

Romanien (42)

14/5 - 04



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ROMANIA

COUNTRY REPORT

APRIL 2004

COUNTRY INFORMATION & POLICY UNIT
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM

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1. Scope of Document

1.1 This country report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The country report has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The country report is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

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

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2. Geography

2.1 Romania (formerly the Socialist Republic of Romania) lies in south-eastern Europe; much of the country forms part of the Balkan peninsula. In the south-east of the country there is a coastline of about 250 km (150 miles) along the Black Sea. The southern border is with Bulgaria and the south-western border is with Serbia (Serbia & Montenegro). Hungary lies to the north-west, Ukraine to the north and Moldova to the north-east. The total population of the country at the 2002 census was 21,698,181 according to provisional results. [1] (p.482)

2.2 Romanian is the official language, although Hungarian (Magyar), German and other minority languages are also spoken. According to the preliminary results of the census of March 2002, 89.5% of the total population were ethnic Romanians, 6.6% were ethnic Hungarians, and 2.5% were Roma. There were also communities of Germans, Ukrainians (Ruthenians), Carpatho-Rusyns and Turks. [1] (p.482)

2.3 The principal and capital city is Bucharest (Bucureşti), which is located in the south of the country. At March 2002 it had an estimated population of 1,921,751. Other major cities are: Iaşi (321,580), in the north-east, near the border with Moldova; Constanţa (310,526), a port on the Black Sea; Timişoara (329,554) in the west; Cluj-Napoca (317,651) in central Transylvania; Galaţi

(326,956), on the Danube near the borders with Moldova and Ukraine; Craiova (302,622), in the Jiu valley in the south; and Braşov (2836,901), in the centre of the country. [1] (p.482)

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3. Economy

3.1 Romania is a middle-income, developing country in transition from a centrally planned economy to a market economy. [2c] (p.1) The private sector accounted for 68.7 % of gross domestic product (GDP) (2002). The industrial sector fell from 40 % in 1989 to 29.1 percent in 2002 as restructuring and privatisation of government owned operations gathered pace. [43]

3.2 At mid-2003, prospects for the Romanian economy had improved over the preceding year and seemed substantially better than at any time in the preceding decade. [1] (p.495) The economy grew by 4.8 % in 2003, on the back of huge increases (35.6 %) in exports to EU countries. [2c] (p.1) [43] Inflation continued to fall and stood at 14.1 % at the close of 2003. [2c] (p.1) The Government remained committed to reform and there appeared to be a far wider acceptance of the measures that would be required to bring about sustained economic recovery among the population as a whole. The economy had started to grow and inflation was being progressively reduced. Poverty remains high. Reform and restructuring of the economy has led to increases in the price of goods with increases in energy prices affecting the poorest households. [1] (p.495)

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4. History

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

Communist Regime

4.1 Nicolae Ceauşescu became First Secretary of the Romanian Workers Party (RWP) in 1965, which in June 1965 became the Romanian Communist Party. Whilst adopting a relatively independent foreign policy, domestically Ceauşescu practised highly intrusive surveillance of the populace and strongly suppressed dissent. By the early 1980s the country was experiencing severe economic problems. By 1980 numerous family members of Ceauşescu held government and party posts. [1] (p.483 & 486)

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1989 Uprising

4.2 In December 1989 there was unrest in Timișoara as thousands of supporters of a Protestant clergyman (an ethnic Hungarian who had repeatedly criticised the Government's policies) marched through the town to demonstrate their opposition to his eviction from his church. Security forces opened fire on the crowd, who had become critical of the regime, reportedly killing several hundred people. There were reports of protests in other towns, and the country's borders were closed. Anti-Government demonstrations on 20 December 1989 led to clashes between protesters and members of the Securitate (the secret police force), during which many civilians were killed. On the following day Ceaușescu declared a state of emergency. Soldiers of the regular army declared their support for the protesters. On 21 December 1989 a mass rally was organised in Bucharest, intended to demonstrate popular support for President Ceaușescu. However, the crowd turned against him and Nicolae and Elena Ceaușescu were forced to escape by helicopter. They were captured and, after a summary trial, were executed by firing squad on 25 December 1989. Fighting continued in Bucharest and elsewhere for several days, mainly between Securitate forces and regular soldiers. [1] (p.483)

4.3 Meanwhile, a revolutionary, 145-member National Salvation Front (NSF) was formed, and a provisional Government, was established. Ion Iliescu, a former Secretary of the RCP Central Committee, became interim President, while Petre Roman, was appointed Prime Minister. The new Government immediately decreed an end to the RCP's constitutional monopoly of power and cancelled the rural urbanisation programme. The RCP was banned and the designation of the Socialist Republic was abandoned. According to official figures, 689 people were killed during the revolution. [1]

4.4 Special military tribunals were established to try Ceaușescu's former associates. In February 1990, four senior RCP officials were found responsible for the shootings in Timișoara and Bucharest and were sentenced to life imprisonment. The trial of 21 Securitate agents, accused of firing upon demonstrators, opened in Timișoara in March 1990. Numerous other former government and RCP members faced similar charges. Adruța Ceaușescu was sentenced to 15 years' imprisonment and Nicu Ceaușescu faced a 20-year prison sentence, having been found guilty of "instigating aggravated murder." His sentence was reduced to 16 years, following a military court appeal in June 1991. He was eventually released in November 1992 on health grounds, and died in 1996 from liver problems. None of the defendants were found guilty of the original charges of genocide; most were found guilty of lesser offences for which they received short prison sentences. [1] [15]

4.5 At the presidential and legislative elections, held on 20 May 1990, the NSF achieved an overwhelming victory. International observers confirmed allegations of irregularities. According to official figures, Ion Iliescu won 85.7% of the valid votes cast in the presidential poll. [1] (p.484)

4.6 The mass rally in Timișoara's Opera Square on 11 March 1990, was one of the most important demonstrations since the revolution. The "Timișoara Proclamation", an important statement which informed the whole nation of both the sacrifices of the revolution and the hopes of those who carried it out, was read

to more than 15,000 participants. The Proclamation demonstrated a commitment to democratic values. It attracted millions of signatures. [1][18]

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

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

4.9 Presidential and Parliamentary elections were held on 3 and 17 November 1996. International observers ruled they had been conducted freely and reasonably fairly. A coalition government comprising the Union of Social Democrats and the UDMR was formed. Victor Ciorbea became Prime Minister and Emil Constantinescu, was elected President. [1] (p.484-485)

4.10 The self-styled King of Roma, Ion Cioaba, died of a heart attack on 26 February 1997. He was on a visit to Bucharest to see President Constantinescu and to convince him to stop the demolition of illegally built constructions in the Sibiu Mayoralty, some of which were owned by Roma. His family asked for his body to be spared an autopsy. [4m] (p.2)

4.11 Despite protests from opposition parties, the Government restored citizenship to former King Michael in 1997 (who had been forced to abdicate in 1947); he visited Romania in late February 1997. On 30 December 1997, the then Prime Minister Ciorbea stated that the former king's nationality, citizenship and his right to take up residence in Romania, provided that he observed the Constitution, would not be denied. [1][31a][31b]

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Miners' Strikes of 1999

4.12 Thousands of miners went on strike in the Jiu Valley (Valea Jiului) in January and February 1999, in support of demands which included an increase in pay and the reversal of a government decision to close two mines. [1] (p.485) More than 90,000 miners, half Romania's total, had taken redundancy in 1998. Then-Industry and Trade Minister Radu Berceanu said money could not be poured indefinitely into mines making huge losses. [32a]

4.13 The miners marched on Bucharest in protest, in January 1999. [1] (p.485) Due to previous violent miners' demonstrations in 1991 the government denied them permission to march. The Petrosani court ruled that the strike was illegal

and ordered it to be halted, in accordance with the 1991 law regarding the settling of collective labour disputes. [32b] Radu Berceanu informed the government that the strike was illegal because the claims were radically modified from those that were the object of the labour conflict in July-September 1998. [32a]

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

4.15 On 15 February 1999 the Supreme Court of Justice sentenced Cozma, in absentia, to 18 years' imprisonment for undermining state authority for his involvement in leading the 1991 violent protests in Bucharest. In response to his arrest, some 2,000 – 4,000 miners, led by Cozma, decided to travel to Bucharest, accusing the Government of failing to honour the January 1999 agreement. They were stopped by the security forces at Stonești, north of Bucharest. Cozma and several hundred miners were arrested. [1] (p.485) On 4 March 1999, Cozma was given a 22-month jail sentence on charges linked to a fight in a bar. [32e]

4.16 Between 1996 and 1999 there were three Prime Ministers as a result of disagreements among coalition partners. In December 1999, President Constantinescu dismissed then Prime Minister Radu Vasile. [1] (p.485) Mugur Isarescu, who claimed allegiance to no political party and was the former Governor of the National Bank of Romania, became Prime Minister. [2a]

4.17 Military prosecutors put before the Supreme Court of Justice a file, in June 2000, accusing General Mihai Chitac, Romania's then Interior Minister, and his deputy Gheorghe Ancuta of instigation to murder during the 1989-90 violence. The file contained investigations concerning the treatment of 1,300 people then illegally held by the authorities, as well as the hundreds of people aggressed at that time. [28d] General Chitac was released from jail by September 2000 to undergo medical treatment. His sentence was suspended in March 2001, along with that of General Stanculescu's. [34a]

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Presidential and Parliamentary Elections of November 2000

4.18 Presidential and Parliamentary elections were held on 26 November and 10 December 2000. They were conducted in accordance with OSCE (Organisation for Security and Co-operation in Europe) commitments for democratic elections, as formulated in the 1990 Copenhagen Document.

Political participants and voters accepted the outcome. The Party of Social Democracy in Romania (PDSR) won the parliamentary elections. Ion Iliescu secured 69.9 per cent of the vote in the second round vote for the presidential election and was duly elected President. [10b]

4.19 The extreme nationalist Greater Romania Party (PRM) won 20 per cent of the vote, making them the second largest party in Parliament. [11] (p.485) International observers, including the EU, expressed serious concerns over the sudden surge in popularity for Corneliu Vadim Tudor's party, the PRM. [10b]

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

Chamber of Deputies:
Party

Percentage of vote/Number of seats

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

Senate:
Party

Percentage of vote/Number of seats

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

[10b][23d]

4.21 The Democratic Convention of Romania, a grouping of centre-right parties, which the National-Peasant Party Christian Democratic (CDNPP) dominated, was the leading partner in the government coalition in 1996-2000. However, the Democratic Convention 2000 Alliance failed to achieve the threshold of 10 per cent of the vote required for an electoral coalition to win representation in the 2000-4 parliament. [17] The entire leadership of the CDNPP resigned on 27 December 2000, assuming responsibility. [28e]

4.22 Adrian Nastase, executive leader of the PDSR, was voted Prime Minister on 28 November 2000. Nastase's government was passed by parliament on the

strength of accords signed by the Hungarian Democratic Union (UDMR) and the Liberal Party (PNL) with the PDSR, pledging support for the new cabinet. [1] (p.489 & 494) However, on 12 April 2001, PNL Chairman, Valeriu Stoica, announced that his party was cancelling its co-operation agreement with the ruling PDSR. He accused the PDSR of breaching the agreement by removing PNL representatives from public administration posts and by not accepting their amendments to the law on the budget. [281]

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Developments in 2001

4.23 President Iliescu promulgated the Property Restitution Law on 7 February 2001 allowing for the return in kind or reparations for houses and assets to rightful owners, of private property stolen by the former communist regime. The law brings Romania's legislation in line with demands by the European Union to take a clear stand on restitution. Where actual restitution is not possible, the rightful owners will be given cash compensation or the equivalent in shares. [321] Parliament extended the Restitution Law by three months on 29 August 2001 and has been faced with a record number of high-profile claims, including many claims from descendants of noble families, including former King Michael. The Government is concerned that the restitution of former palaces of King Michael would render national tourist sites closed to the public. [289]

4.24 The Supreme Court jailed three army officers, in February 2001, for the massacre of almost 50 young soldiers during the December 1989 revolution, concluding a case that began in 1994. Major-General Dumitru Draghin, sentenced to eight years, retired General Grigorie Ghita, sentenced to six years and Captain Ion Zorila, sentenced to four years, have no right of appeal. [329]

4.25 Former Jiu Valley miners met in Bucharest in January 2001 to protest against their redundancy in 1997. The unemployed miners who went on hunger strike requested that they are re-employed in the mining units and that they are granted financial and material aid from the National Solidarity Fund (SNC) or from state resources. [311] A further strike in Bucharest by 700 miners from the Campulung area ended on 4 March 2001 following the agreement of a 20 per cent pay rise. [359]

4.26 The League of Mining Unions asked the attorney general and President Iliescu on 30 January 2001 to pardon the former league leader, Miron Cozma, currently in prison. [339] On 31 August 2001, President Iliescu refused to pardon Miron Cozma on the grounds that to be pardoned, a convicted person would first have to recognise his guilt and Cozma has never done so. In addition, President Iliescu stated that there were still other pending cases against Cozma. Under Romanian law, if Cozma were to be sentenced again in another case, he would have to serve the sentence for which he was pardoned as well. [281] He is currently serving an 18-year sentence. [321] President Iliescu turned down Miron Cozma's personal appeal on 30 September 2001, confirming the Ministry of the Justice's earlier decision, on 18 September 2001, to dismiss Cozma's appeal. [281]

4.27 Former King Michael I visited Romania in June 2001 and subsequently met with President Iliescu in Bucharest in August 2001. He has since visited Romania several times and has been welcomed by the President and Romanian Government. King Michael has been granted certain privileges by the Romanian government as a former head of state. These include a pension, bodyguards and the Elizabeta Palace in Bucharest as a residence. [280][321]

4.28 The ruling Party of Social Democracy (PDSR) which won the November 2000 parliamentary elections, merged with the Romanian Social Democratic Party (PSDR) on 16 June 2001 to form the Social Democratic Party (Partidul Social Democrat - PSD). [1]

4.29 Sabin Gherman, a university lecturer who has long promoted decentralisation and devolution of the "national states" centralised power, announced on 28 August 2001 that a new political party promoting these goals would be set up. The formation, Pro-Transylvania, advocates autonomy for Transylvania. Prime Minister Nastase warned against "federalist trends" in Romania. The Court of Appeal had previously ruled, on 13 November 2000, to criminalise the activities of Gherman's Pro-Transylvania Foundation, citing violation of Article 1 of the Constitution, which advocates a unitary and indivisible state. The argument of the Court of Appeal was that the main activity of the Foundation was to militate for the autonomy of Transylvania, while the Constitution of the country proclaims that there is no regional autonomy in Romania. [235]

4.30 On 14 December 2001 the Bucharest Municipal Tribunal approved the 2 June 2001 merger of the CDNPP and the National Alliance Christian Democratic (ANCD). Dissident members of the CDNPP founded the Popular Christian Party (PCC) on 15 December 2001, as a centre-right reformist party. [234]

4.31 Corneliu Vadim Tudor, leader of the extremist Greater Romania Party (PRM), was found guilty of libel on 18 December 2002 and ordered to pay 500 million lei for moral damages. [36] His immunity had been lifted on 29 November 2001 to allow for criminal proceedings. He also faces charges of disseminating false information after alleging that Palestinian militants had been trained in Romania with the full knowledge of the 1990 to 1996 government. [322]

4.32 Romania successfully fulfilled their one year Presidency of the 55 member Organisation for Security and Co-operation in Europe (OSCE) on 31 December 2001. The organisation aims to prevent conflicts and ensure respect for human rights. [346]

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The Hungarian Status Law

4.33 Relations between Romania and Hungary became strained after the Hungarian Parliament passed a controversial Status Law in June 2001. The law gave Hungarian minorities in neighbouring countries a range of economic and social rights, but not full citizenship. The Romanian Government viewed positive

discrimination on behalf of ethnic Hungarians as discrimination against the ethnic Romanian majority and as a violation of the country's territorial integrity. [1]

4.34 Following months of lengthy negotiations between the two states, resulting in Hungary's concession to grant work permits to all Romanians, regardless of ethnicity, Hungary and Romania signed the key agreement on 22 December 2001, allowing for the implementation of the Status Law. The agreement allows Hungary to issue three-month work permits, which can be extended, as from January 2002. [324] The Council of Europe welcomed the signature of the Memorandum of Understanding between Romania and Hungary, on 10 January 2002. It welcomed that the Memorandum takes into account the report by the Venice Commission on 'Preferential Treatment of National Minorities by Kin-States', allowing the application of the law without discrimination against people of non-Hungarian ethnicity. [246]

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Events in 2002 - 2004

4.35 On 21 June 2002, the miners' leader Miron Cozma was sentenced to an additional 12 years in prison for his role in the 1991 clashes in Stoneşti. The judges sentenced Cozma to seven years for having instigated the miners and to five years for his role in the violent clashes. The two sentences will be served concurrently with the 18 years Cozma is already serving for his role in the 1991 protests. Three of Cozma's associates were sentenced to terms ranging from 4 to 5½ years for their roles in the Stoneşti. [289]

4.36 On 9 October 2002, the European Union (EU) issued its Accession report judging candidate countries suitability for membership. Romania, along with Bulgaria, was not included amongst the ten countries expected to join in 2004 but was given the year 2007 as a possible date to join the EU. [22a]

4.37 The United Kingdom Foreign and Commonwealth Office Romanian Country Profile (FCO RCP) noted that, 'In November 2002, Romania received an invitation to begin negotiations to join NATO in May 2004. The Copenhagen European Council in December provided Romania with a road map, with the objective of EU membership in 2007. These successes demonstrate the progress Romania has made. But the reform process continues in key areas, such as Justice and Home Affairs, public administration, development of a professional apolitical civil service and economic restructuring.' [4b] (p.3)

4.38 On 21 January 2003, Istvan Szekely, head of the office that handles the issuance of Hungarian ID cards for ethnic Hungarians residing abroad announced that the number of applicants from Romania was considerably lower than expected. He said that when the Hungarian Status Law had entered into effect a year previously, the Hungarian authorities expected 96 percent of Romania's ethnic Hungarians to apply for the card. However, only 345,706 applications, at that date, had been received, representing just 24.1 percent of Romania's ethnic Hungarian population, according to the latest Romanian census. [28b]

4.39 In February 2003, fifty years after his death, the remains of King Carol II were repatriated from Portugal and re-buried in the town of Curtea de Arges. Prime Minister Nastase said "This moment is significant for us because it is another sign of our reconciliation with ourselves and with our past." [226]

4.40 Israel protested to Romania, in June 2003, after a statement was made by the authorities in Bucharest suggesting no Holocaust had taken place in Romania during World War II. Romanian Culture Minister Ravan Theodorescu later clarified the remarks stating that the Romanian regime during World War II – which was allied with Nazi Germany – had taken part in the Holocaust in territories it had occupied in Trans-Dniestr, but that no camps, as such, had been set up on Romanian soil. [226] The Romanian Government subsequently issued a second statement saying that administrations between 1940 and 1945 were "guilty of serious crimes" and used "methods of discrimination and extermination" against the local Jewish population. The statement added that Prime Minister Nastase and his cabinet had consistently condemned the persecution and killing of Jews and introduced legislation outlawing racist and xenophobic organisations. [227]

4.41 President Iliescu said on 18 July, that the 18-year sentence passed in 1999 on miners' leader Miron Cozma is "exaggerated" and that he would be ready to consider pardoning him if he received a personal "well-grounded request" to do so. Iliescu said that Cozma was not the only one responsible for the violent protests in 1990 and 1991. He stressed that he cannot initiate the pardon and must act upon the recommendation of the Justice Ministry. National Liberal Party Senator Radu F Alexandru, on 20 July, sent Iliescu an open letter in which he said that the rampages of 1990-91 and the Cozma-led attempted march on Bucharest in February 1999 had greatly hindered Romania's chances of being admitted "among the democratic countries of the world". Alexandru claimed that displaying clemency towards Cozma would be "tantamount to complicity". [228]

4.42 Freedom House in a press release on 9 December reported the brutal beating of a journalist in Timisoara on 3 December. 'Ino Ardelean was savagely beaten in Timisoara...Mr Ardelean, a journalist for the local newspaper "Evenimentul Zilei", was attacked on his way home and beaten unconscious. He suffered a fractured jaw and other head injuries. Mr Ardelean had written articles critical of local officials, and had reported on alleged corruption among local leaders of the ruling Social Democratic Party.' Freedom House claimed that, 'Freedom of expression in Romania also suffers from a lack of amendments to the country's penal code regarding libel, calumny and insult. Excessive penalties against media organisations also hamper press freedom.' [229] (p. 1)

4.43 Cosmin Gusa, the former Secretary General of the governing Social Democratic Party (SDP), dealt a blow to the SDP by announcing on 13 January 2004 that he was leaving the party to join the main opposition "Democratic Party". [230]

4.44 Lia Roberts, a US Senator and leader of the Republican Party in Nevada announced that she would run for Romania's presidency in November. Ms Roberts, who fled Romania in 1979 and holds dual Romanian/American nationality, announced her candidature in February on an anti-corruption platform.

Ms Roberts is reported to have hired Dick Morris, former President Clinton's political advisor, to run her election campaign. Opinion polls commissioned by Ms Roberts, rank her forth in the race with around 10% of the vote. The governing Social Democratic Party has yet to announce its candidate. [45] (p.1)

4.45 The Romanian Government announced on 27 January 2004 that it was allocating the equivalent of 100 million US dollars (in addition to funds pledged by the EU and Schengen members) for work to secure its non-EU borders. The move is in response to Romania's moves towards joining the EU in 2007. Data shows that Romania's weak border controls facilitate one of the main drug/people trafficking routes from eastern Europe and Asia in to the EU. [33k]

4.46 On 26 February, the Romanian parliament in joint session unanimously adopted the bill of accession to the North Atlantic Treaty Organisation (NATO). [33m] Romania formally became a member of NATO when it deposited its instrument of accession with the United States Government. Its accession to NATO was marked by a special ceremony attended by President Bush on 29 March. [48] [22e]

4.47 On 5 April, the United States Government announced the recall of US Ambassador Michael Guest. The announced recall followed the conviction of Kurt Treptow, who was sentenced to seven years for sexually abusing young children in the town of Iasi. Ambassador Guest had appointed Treptow to the board of the Fulbright Commission. Reports in the Romanian press alleged that Ambassador Guest had sheltering Treptow and had attempted to cover-up and silence the Romanian media in its attempts to expose the activities of Treptow. [59a] [59b] [59c] [59d]

4.48 Presidential elections are due in November 2004. Parliamentary elections will take place early in December 2004. [4b] (p.3)

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5. State Structures

The Constitution

5.1 Under the 1991 Constitution, political power in Romania belongs to the people and is exercised according to the principles of democracy, freedom and human dignity, of inviolability and inalienability of basic human rights. Romania is governed on the basis of a multiparty democratic system and of separation of the legal, executive and judicial powers. [1] (p.502)

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Citizenship and nationality

5.2 Article 5 of the Romanian Constitution states that Romanian citizenship can be acquired, retained or lost as provided for by organic law. Romanian citizenship cannot be withdrawn if acquired by birth. [32]

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Political system

5.3 Legislative power is vested in a bicameral Parliament, comprising the 343-seat Chamber of Deputies (lower house) and the 143-seat Senate (upper house). Parliament is elected by universal adult suffrage on the basis of proportional representation for a term of four years. [1] (p.502)

5.4 The Constitution provides for universal, equal, direct, secret and free suffrage for the election of the President and the Parliament. Although a political party may nominate a presidential candidate, the President may not be a member of any political party, nor may he perform any other public or private office during his term in office. [106]

5.5 Citizens have the right to vote at the age of 18, and may be elected at the age of 21, to the Chamber of Deputies and at the age of 30 to the Senate, with no upper age limit. Those ineligible for election include former members of the Securitate (the secret police of President Ceauşescu) and other former officials guilty of repression. Once elected, the President may not remain a member of any political party. [1] (p.502)

5.6 Executive power is vested in the President of the Republic, who may serve a maximum of two four-year terms and who is directly elected by universal adult suffrage. The President appoints the Prime Minister, who in turn appoints the Government approved by Parliament. Romania comprises 41 administrative divisions (counties) and the municipality of Bucharest. [1] (p.502)

5.7 The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic and free elections held on the basis of universal suffrage. [2c] (p.11) The American NGO, Freedom House, believes that the current electoral system, whilst free and fair, fails to stimulate genuine political debate and competition. The absence of a central election commission also makes it difficult to benefit from knowledge and experience gained with each balloting. This not only creates administrative deficiencies, but also affects the interpretation of existing legislation. [3a]

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The Judiciary

5.8 The Romanian judicial system has four level of courts: courts of first instance in the large cities, tribunals which are organised at the county level, court of appeal, and a Supreme Court of Justice. The Prosecutor-General is attached to the Supreme Court. The Supreme Court is also the supreme jurisdiction for the separate system of special military courts. [3a] (p.25)

5.9 Romania has established a legislative framework to ensure effective judicial remedies for any person whose rights and freedoms recognised by the

International Covenant on Civil and Political Rights have been violated, including cases in which the violation was committed by persons in an official capacity, under the Administrative Litigation Act (Act No. 929/1990). The large number of petitions to the courts or, where appropriate, to the administrative or other authorities empowered to deal with these matters shows that individuals are familiar with their rights and resolved to exercise them, if necessary by means of an effective remedy. [15a]

5.10 The Supreme Court of Justice, which was re-organised under Law 56 of 9 July 1993, exercises control over the judicial activity of all courts. The President of Romania appoints members of the Supreme Court, at the proposal of the Superior Council of Magistrates. The General Prosecution Magistracy functions under Law 92 of 4 August 1992, which established the judicial organisation of courts at the county and local levels. [1] (p.506)

5.11 Under the law, the judicial branch is independent of other government branches; however, it remained subject to influence from the executive in spite of moves to increase its independence. The Superior Council of Magistrates (SCM), the representative body, which controls the selection, promotion, transfer, and sanctioning of judges was increased from 17 members to 19 members, diluting the role of the executive. The position of Minister of Justice lost its role as chair of the SCM, further increasing the body's independence. However, the SCM remained vulnerable to political interference because non-de-jure members must be approved by parliament and temporary vacancies can be filled by the executive. The President of the country has the right to attend and chair SCM meetings. The Justice minister has responsibility for supervising prosecutors and has the power to open investigations, but not to dismiss an ongoing investigation. [2c] (p.4)

5.12 The Constitution provides for the tenure of judges appointed by the President of Romania. The Supreme Court Act provides that judges of the Supreme Court of Justice, who under the terms of the Constitution are appointed for a period of six years and may be re-appointed, shall be "dignitaries of the State and irremovable during the period of their mandate" (art. 17). The Act also provides that they may not be prosecuted for a criminal or minor offence or committed for trial without the authorisation of the President of Romania (art. 59). The power to authorise the prosecution of assistant judges at the Supreme Court of Justice for a criminal or minor offence, or their committal for trial, lies with the President of the Court (art. 60). [15a]

5.13 A judge can request, and the Ministry of the Interior is obliged to provide him with, protection in cases where his own and his family's lives, physical integrity or property are at risk (article 75 of the Organisation of Justice Act and article 59 of the Supreme Court Act). [15a]

5.14 The law provides for the right to a fair trial; however, the judiciary suffered from systematic corruption. Defendants are presumed innocent. The Penal Code requires that an attorney is appointed for a defendant who cannot afford legal representation. In practice, the local bar association provided attorneys to those unable to afford legal advice and was compensated by the

Ministry of Justice. Either a plaintiff or a defendant may appeal. The practice of extracting confessions through beating occurred occasionally; however, the law provided protection in such situations, in that, the court could decide to dismiss such cases if evidence of police brutality, leading to a confession, was found. The judicial system is reported to be inefficient and slow. [2c] (p.5)

5.15 The European Commission noted in October 2002 that the average number of cases dealt with by each judge increased from 511 in 2000 to 531 in 2001. This heavy workload is a particular problem in tribunals and courts of appeal and has negative consequences for the quality of judgement. The number of judges working in the Supreme Court increased, although the Commission believed that the workload remained excessive. [3a] (p.26)

5.16 Military Courts were re-organised through Law 54 of 9 July 1993. Generally they judge contravention of the law by service personnel at one of the two military courts in the country; the Territorial Military Court, with a right of appeal to the Appeal Military Court. There is also a military department within the Supreme Court, which judges appeals in some cases. The judges are professional lawyers and career officers. [1] (p.506)

5.17 Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups have criticised this system, claiming that the military prosecutor's investigations were unnecessarily lengthy and often purposefully inconclusive. As a result of the Police Organisation Law, which took effect in May 2002, civilian courts and prosecutors began to try cases involving the National Police but not other law enforcement bodies. [2b]

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Legal Rights / Detention

5.18 The law provides for the right to a fair trial; however, the judiciary suffers from systemic corruption. Defendants are presumed innocent. A defendant has the guaranteed right to a defence attorney under the Penal Code (art. 6), including those defendants who cannot afford legal representation or are 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. [15a]

5.19 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that 'The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, unlike in previous years.' [2c] (p.3) US SDR 2003 further notes that, 'In October [2003], the constitutional provisions concerning arrest and detention were amended. Only judges are now permitted to issue arrest and search warrants (previously, prosecutors had this authority). A judge may order temporary detention for periods of 30 or 60 days depending upon the status of the case. The court may extend these time periods; however, pre-trial detention cannot exceed 180 days. Pre-trial detention counts towards sentence time if a detainee is

convicted.' [2c] (p.4) The use of pre-trial detention has decreased; one out of every three individuals in the prison system in 1995 was a pre-trial detainee, compared with one in five in 2000. [2b] According to the European Commission, in October 2002, just over 9% of prison detainees were held in pre-trial detention. [3a] (p.31) Detainees have the right to apply for bail, but in practice bail rarely is granted. Detainees may also ask for a hearing before a judge. Such a request must be granted within 24 hours. Under article 6 of the Code of Criminal Procedure the right to a defence is guaranteed for the person charged or committed for trial from the outset of the criminal proceedings. [15a]

5.20 The arrest and detention warrant is issued in two copies, one of which is handed to the accused; it specifies the act that is the subject of the accusation and the characterisation of the offence. Where it has been decided to arrest the accused, the warrant also states the specific reasons that render the arrest necessary, the legal characterisation of the act and the penalty fixed by law (Code of Criminal Procedure, articles 146, 147 and 151). Detention of persons undergoing prosecution must not be the general rule, but only a measure justifiable in exceptional circumstances. The practice of the courts of appeal is to annul the decisions of the lower courts. The prosecutors argue on the grounds that the accused has committed an offence punishable by more than two years' imprisonment and that his release would represent a threat to public order (art. 148 (b) of the Code of Criminal Procedure). [15a]

5.21 Under article 504 of the Code of Criminal Procedure, the person arrested has a right to compensation from the State for harm suffered if criminal proceedings against him are subsequently dropped or if he is acquitted because he "had not committed the act of which he stood accused, or that act had not been committed". Full compensation for the damage caused to the person unjustly arrested "must cover the material damage, and also the moral damage, albeit with no obligation to observe any proportion between the two forms of damage". An exception to this rule is the case of a person who during the criminal proceedings or the trial has, intentionally or through serious fault, hindered or tried to hinder the establishment of the truth. [15a]

5.22 The Romanian Code of Criminal Procedure (art. 5.1) recognises the right of all persons deprived of their liberty to be treated with humanity and with respect. It is also recognised by the International Covenant on Civil and Political Rights. On the expiry of the period of validity of the warrant, the prosecutor may again choose between the two possibilities: either to request the court to prolong the pre-trial detention, or else to oblige the accused not to leave the locality, for a maximum period of 30 days (art. 145). If the person sentenced to a custodial penalty suffers from an illness making it impossible for him to serve the sentence, if a female convicted is pregnant or has a child under one year old or if, because of special circumstances, execution of the sentence would have serious consequences for the person convicted or for his or her family, the court may decide to defer it. [15a]

5.23 Police often appear to take advantage of Article 16, Section b in the Police Organisation Law 26 of 1994, which states persons endangering the public, other persons, or social order and whose identity cannot be established,

may be taken to a police station. Police often use this provision of the law to detain persons for up to 24 hours at a police station. Roma are disproportionately affected by this detention provision and often are viewed suspiciously by police. Roma often lack appropriate identity documents, which makes it easier for police to apply this article. [2b]
(see also section 6.109-6.130 on Roma)

5.24 The law requires the authorities to inform those arrested of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement; however, police often do not inform citizens of their rights. In addition the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest. Detainees have the right to apply for bail but in practice bail rarely is granted. Detainees may also ask for a hearing before a judge. Such a request must be granted within 24 hours. [2b]

5.25 Under the law, minors detained by police and placed under guard in a centre for the protection of minors, are considered by judicial authorities in a number of ways. They are to be in detention or under arrest if their age is more than 16, or, if between the ages of 14 and 16, if they have consciously committed a crime and are mentally capable. [2c] (p.4)
(see also paragraphs 6.81-6.89 on Children)

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Death Penalty

5.26 Constitutional provisions guarantee all persons the right to life and prohibit the death penalty. [15a] In May 2002, Romania signed Additional Protocol No.13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances. [3a] (p.28)

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Internal Security

5.27 The US State Department Report on Human Rights Practices – 2003 (US SDR 2003) notes that, 'the law prohibits arbitrary interference with privacy, family, home, or correspondence. The Constitution provides for protection against the search of a residence without a warrant; however, this protection is subordinate to "national security or public order." The law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. [2c] (p.5)

5.28 The National Police are primarily responsible for law enforcement, the Gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of the Interior supervises these organisations. Protection against external threats is the primary responsibility of the military.

An internal intelligence service assesses threats to national security but has no law enforcement powers. All security and intelligence organisations operate under the authority of civilian leadership. Judicial cases involving military personnel and the police are tried in military courts. [26]

5.29 The Gendarmerie is part of the military force (they are not part of the police force) although they are under the control of the Ministry of the Interior rather than National Defence. The function of the Gendarmerie in peace time is similar to that of the police force, i.e. defence of public order, defence of fundamental rights and liberties of the citizen, and the prevention and detection of crime. In wartime, they have a military role to play as a kind of militia. As a military unit, Gendarmes are either conscripted, serving for one year; or civilian staff on open-ended contracts. They have essentially the same rules for leaving the country as the police, i.e. that they must have their commander's permission. [44]

5.30 On graduation from the Police Academy, policemen sign a 9-year contract. During that period they can resign from the force, but this must be approved and they must pay back money to cover (some) training costs. Policemen take an oath, as specified in Law 26/1994, on the Organisation of the Romanian Police. It is possible to serve part of one's conscription in the police force rather than in the army. [44]

5.31 The rules about a policeman leaving the country are set out in the internal regulations of the Ministry of Interior. An officer has to get approval in order to travel abroad. The severity of any jail sentence for not doing so is not fixed but rather depends on the individual case. Law 26/1994 states that policemen cannot be members of a political party or group. [44]

5.32 The European Commission's Accession Report of October 2002 considered that, with regard to the demilitarisation of the police, significant progress was made with the introduction of a new Law on the Status of the Policeman in August 2002. [34] (p.24) This legislation explicitly stipulates that 'the police person is a civil public employee who enjoys special status, bears arms, is usually dressed in uniform, and carries out the duties which have been assigned to the Romanian Police, as a special institution of the state, under the law. [239] The law also passes the responsibility for dealing with crimes committed by policemen to civilian Prosecutors and Courts, makes it compulsory for policemen to respect human rights and fundamental freedoms, and calls for impartiality, non discrimination, proportionality and gradualism by policemen when exercising their duty. [34] (p.24)

5.33 The Romanian Helsinki Committee (APADOR-CH) concluded in their Annual Report of 2002 that the few months since the passing of the new Law were not enough to assess if these normative acts have a real and positive impact on the relation between police workers and communities or persons. APADOR-CH has noted, however, that the number of situations when the police used gunfire increased over 2002. [204]

5.34 In 2003, Amnesty International (AI) continued to voice serious concerns regarding the levels of force used by police when apprehending suspects of non-

life threatening crimes. Provisions within Romania authorise police officers to "resort to arms or firearms in conditions provided for in law, only if necessary and when other means to apprehend or restrain are not possible." AI criticised this formulation, in that, it fails to explicitly restrict the use of firearms only to situations in which the lives of the police officers or others are in explicit danger. AI considered that the use of firearms by police officers in disputed circumstances is a long-standing problem which the Romanian authorities have failed to effectively address, they furthermore considered that resulting investigations were not impartial or thorough. [6a] (p.44-45) [6e] (p.1)

5.35 The European Commission noted, in October 2002, that there continued to be credible and consistent reports of degrading treatment by the police – in particular when dealing with persons belonging to the Roma minority. The use of physical violence to extract confessions is not unusual. The Romanian police have a comprehensive and systemised approach to dealing with complaints. [3a] The number of complaints reporting police abuse, especially towards the Roma minority, is steadily growing. These complaints cited cases of unwarranted police raids, use of physical force during questioning, and illegal and disproportionate use of firearms. [11] (see also section 6.109-6.130 on Roma)

5.36 The International Helsinki Federation believed that the crucial problem of firearms use by the police grew in 2002. Provisions of Law No. 17/1996 on the Status of Weapons and Ammunition provided for ten situations, against only five in the previous Police Law, when police may use firearms. [7b]

5.37 On 5 March 2001, the Interior Ministry ordered an investigation into allegations of corruption published on an Internet site against several high-ranking police officers. These allegations concerned 12 officers including six colonels and the Constanta Police Chief who was reportedly accused of covering up a number of 'incidents' in exchange for money. Since the appointment of the new left-wing government in November 2000, several regional police chiefs have reportedly been dismissed following allegations of corruption. [21c]

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Intelligence Services

5.38 Romania's former intelligence and security apparatus consisted of the Securitate and its external arm, the Directorate of External Intelligence (DIE). After December 1989 the intelligence apparatus was deliberately split up to end the all-pervading power of the Securitate. Nine services emerged, the two main ones being the SRI (internal service) and the SIE (foreign intelligence). Other services include military intelligence, military counter-intelligence, and the Intelligence Unit of the Ministry of the Interior (UMO215). [4k]

5.39 The law on SRI, which came into effect in February 1992, prohibits the hiring of most members of the former Securitate, although it remains unclear whether those currently working for the SRI have been employed in contravention of this law. A number of ex-Securitate officers were dismissed in the re-

organisation (some reports claim as many as 80%) but a corps of professional intelligence officers (mainly from the DIE) was retained. The SRI and SIE claim that they have recruited and trained a significant number of new entrants. [44]

5.40 The Directors of the SRI and SIE have ministerial rank and report to the President. According to legislation passed in March 1992, the Supreme Defence Council approves the SRI's structure and operational regulations. In February 1996, a body was set up, including members of the parliamentary Defence, Public Order and National Security Committees, to oversee SIE activities. The SIE does not, however, present annual activity reports to parliament as the SRI does, but rather forwards its reports to the Supreme Defence Council. [44]

5.41 The SRI gathers intelligence (on terrorists, those involved in organised crime and hostile intelligence services) within Romania's borders on threats to Romania's national security. It is responsible for protecting the country's economic well being and has a leading role in the President's campaign against corruption. Both services co-operate with the police division fighting organised crime (BCCO), providing intelligence on drugs trafficking and illegal immigration. [44]

5.42 The law permits citizen's access to secret police files kept by the Communist government. Under the law, any Romanian or foreign citizen who held Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and releases the information unless it was a state secret or could threaten national security. The files remain in the custody of the intelligence services. This law has been criticised for exempting files of current employees of the intelligence services from review and changing the definition of an informer to require actual payment for services. [2c] (p.5)

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Border Security and relations with neighbouring countries

5.43 The Border Police, supervised Ministry of the Interior, are responsible for maintaining border security. Romania remains a country of origin and of transit for trafficking in human beings. [2c] The Romanian Border Police uncovered 269 cases of trafficked women in 2001 while the International Organisation for Migration estimates that as many as 20,000 women are trafficked from Romania each year. [3a] (p.31)

5.44 In January 2002, Romania was the last of the 12 European Union candidate states to see its visa restrictions dropped by the 15 Schengen agreement member states – that is all EU states except Ireland and the United Kingdom, plus non-EU members Norway and Iceland. To leave the country, Romanians must prove that they have valid credit cards or funds of up to almost \$100 for each day of their trip, while for trips longer than five days a total of almost \$500 is necessary. Medical insurance, a return ticket to travel by plane or train, or international car insurance for the duration of the trip are also compulsory. Initial statistics indicated that the number of Romanians travelling to the West actually dropped in the sixth months after the lifting of restrictions. The Deputy Interior

Minister claimed this was due to stricter border control and better co-operation with Western authorities, whilst critics claimed that increasing poverty lay behind the decline. [28c]

5.45 The United Kingdom Foreign and Commonwealth Office Romanian Country Profile (FCO RCP) noted that, 'Romania concluded a Basic Treaty with Hungary in 1996, and in recent years, there have been efforts by both sides to improve relations. A compromise has been reached on Hungary's controversial Status Law, which gives discriminatory rights and privileges to Hungarians in neighbouring countries. Romania's ethnic Hungarian minority in Transylvania is thought to number 1.7m.' [4b] (p.4)

5.46 The FCO RCP also note that, 'Relations with Russia have been coloured by longstanding suspicion of Russian influence in the region. A bilateral Basic Treaty was signed with Ukraine in 1997 though the two countries are still negotiating border-related issues. President Iliescu paid a three-day visit to Ukraine in September 2002. Romania devotes considerable attention and resources to its relations with Moldova, which was part of Romania from 1918 until it was lost to the USSR in 1940. Relations with Bulgaria are healthy. A dispute over the location of a proposed second bridge over the Danube appears to have now been resolved.' [4b] (p.4)

5.47 On 17 June 2003, the Presidents of Romania and Ukraine signed an accord confirming their mutual land border, as it was delineated in 1961, with the exception of the disputed border along the Black Sea. [1]

5.48 President Iliescu and President Vladimir Putin of Russia signed a Treaty on Friendly Relations and Co-operation on 4 July 2003. Negotiations had begun in 1992. The contentious issue of the repatriation of Romanian gold and cultural items confiscated by the USSR was left for resolution by a separate joint commission. [1]

5.49 FCO RCP note that, 'Traditionally Romania has good relations with Serbia. Prime Minister Nastase last visited in September 2002. Romania has firmly supported, and indeed played a key role as OSCE Chairman-in-Office, in the international efforts in Kosovo and Macedonia. It is a full member of the Stability Pact for South East Europe, set up in the aftermath of the Kosovo conflict.' [4b] (p.4)

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Prison and prison conditions

5.50 Romania's prison population is high compared to the size of its population and prison conditions continue to be extremely poor. Despite a small reduction in the prison population, severe overcrowding remains a serious problem. While a considerable number of new cells have been built, and a concerted programme of cell modernisation and refurbishment has been launched, the prison population still exceeds capacity by over 40%. [3a] (p.31-32) Being aware of the problem, the authorities keep the highest rate of overcrowding for open prisons, where the

prisoners work during the day and are therefore not continually faced with the acute lack of space. [11]

5.51 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that 'Prison conditions remained harsh...Human rights organisations reported that abuse of prisoners by other prisoners and by authorities continued to be a problem.' [2c] (p.3) Overcrowding remained a serious problem, with over 43,000 persons held in 45 establishments, including 34 prisons, 6 prison hospitals and 3 juvenile detention facilities. The maximum legal capacity of all 45 establishments stood at 37,500. [2c] (p.3)

5.52 The Romanian Helsinki Committee (APADOR-CH) considered that the situation in the penitentiary system continued to improve in 2002, although the pace was too slow to make an impact on the life of detainees. [20a] APADOR-CH concluded that the most serious problems in penitentiaries remained the same as in previous years: overcrowding, inadequate hygienic conditions and health care, too little contact with the outside world, disciplinary measures and a lack of leisure activities. [7b]

5.53 In summer 2002, Parliament approved a law granting pardons and subsequent release to thousands of inmates serving prison terms of up to five years. The decision was intended to deal with Romania's acute problem of prison overcrowding. Prior to the law's passage, the ratio of up to 10 detainees per staff member put Romania far beyond accepted European standards of 2 inmates for each staff member. [3a]

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Military Service

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

5.55 In 1991 the Romanian General Staff issued the order that youths who refuse to do military service under arms (approximately 1.4 per cent of the total number of conscripts, most of whom members of the sect Jehovah's Witness) would not be recruited. [4a]
(see also section 6.37-6.39 on Jehovah's Witnesses)

5.56 The offence of desertion as stipulated and sanctioned in Article 332 of the Penal Code is applicable to any member of the armed forces absent without any reason from his military unit or duty for more than three days. The action is punished with prison from 1 to 7 years and applies to both personnel fulfilling obligatory service (Act.46/1996) as well as to armed forces staff (Act.80/1995). The commander of the specific military unit must initiate penal action against an individual. However, penalties depend on the circumstances (alleviating or

aggravating). In the case of desertion, if the absence is strongly motivated by objective reasons, this can be used to defend the accused. [4f] (p.3) [21e]

5.57 According to a Senior Legal Counsel of the Romania's Ministry of National defence in July 2001, if a person has already served a prison term for desertion in the early 1990s, the individual in question, if less than 35 years of age, would have to continue their military (compulsory or alternative) duty for the duration stipulated in the law. [21d]

5.58 There are no penalties that could be applied to military staff that joined a religious cult that is not legally recognised. The only disadvantage of belonging to a religious organisation (i.e. not legally recognised) is that members would not be able to practice their religious beliefs inside their military unit. They would therefore not be liable for any religious assistance and they would not be granted any days of leave on the occasion of their religious celebration days. [4a]

5.59 There has been no law in force prohibiting the travel of ex-military personnel since 1989. Before 1989, there was a restriction of 5 years for conscripts and 10 years for career military officers from the date of the termination of service. [4f]

5.60 Article 334 of the Penal Code (Insubordination) states that military employees who disobey a duty-related order, including refusing to take part in a mission, if legal, are sentenced to prison from 1 to 5 years. [4f] (p.3) (see also section 5.16-5.17 on The Judiciary)

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Conscription

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

- i) the mentally ill;
 - ii) those physically unfit for military service;
 - iii) ordained priests of legally recognised religious denominations;
 - iv) prisoners and (until the court has passed judgement) people formally accused or under arrest; and
 - v) former convicts who have served five or more years imprisonment for premeditated crimes.
- [4g]

5.62 Those not covered by Law 46 who refuse to undertake military service are liable to fines of between 500,000 and 3 million lei. [4g]

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Conscientious Objection

5.63 Current alternative military service terms are implemented by law number 462/1994 on 'the Preparation of Romania's population for defence' (official Gazette number 120/1996) and Government Decree number 618/1997. Decree 618/1997 became effective on 17 October 1997. [21] Article 1 of Decree 618/1997 states 'the alternative military service is an optional way of carrying out compulsory military service and applies in the case of the citizens who are fit for recruitment, but refuse to carry out military service under arms due to religious reasons.' [4a] Any Romanian citizen may request alternative military service individually, should alternative military service not be automatically provided by a group right. [21]

5.64 Under the 1996 decree on "Preparing the population for defence", people who object to armed service for reasons of conscience can complete their service by working alternatively in the health service, construction industry or in river and/or marine regulation projects, as well as environmental protection or agricultural projects. It is also possible to serve part of one's period of conscription in the police force. [4c] The military service oath is an official procedure, performed only by individuals carrying out compulsory military service after they have absorbed the main duties of Romanian armed forces personnel, the significance of the military oath and that of the combat flag, 12-14 days after enrolment. [21]

5.65 The Secretary General of the Coalition for Alternative Service in Romania stated in July 2001 that Pentecostals were listed among those religions whose members can apply for conscientious objection. Jehovah's Witnesses, members of the seventh day Adventist Church, the Adventists, and the Baptists can also apply. [21d]

5.66 The organisation and performance of religious assistance activity is the responsibility of the Ministry of National Defence and of the special structures established for this purpose, and is carried out with the direct support of the (Orthodox) church and the religious cults recognised by the state. [4f] (p.1)

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Medical Services

5.67 Romania has a comprehensive state insurance scheme, premiums being paid by enterprises and institutions on behalf of wage earners. A law on unemployment allowance was adopted in January 1991. In addition, funds are allotted to sickness benefits, children allowances, pensions and the provision of health resorts. Medical care is provided free of charge. There is a growing private healthcare sector. [1] (p.517)

5.68 The Romanian Health Service is predominantly public. All Romanian citizens have access to free emergency medical treatment. Ongoing treatment is only available to those Romanians who pay a percentage of their monthly income into the Romanian social health insurance fund. If a person does not pay contributions they will be expected to pay for treatment and medicines. The following categories are entitled to free healthcare:

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

- Pensioners (except for certain medicines and special services e.g. prosthetics)
- Close relatives of an insured person (husband/wife, children, parents) without income of their own and dependent on the insured person
- Unemployed disabled persons
- Unemployed persons whilst receiving state benefits
- War veterans and widows. [41] (p.1)

5.69 The structure of medical services includes general practitioners, referral to specialists, hospitals with operating theatres, intensive care and emergency units. The standard of healthcare has improved over the last ten years, although it is still poor and significant problems stem from the lack of investment in healthcare. Larger hospitals in Bucharest and other main cities have old but functioning equipment and a relatively well-trained work force. Adequate facilities and expertise are available for routine operations, albeit in a slow timeframe. Specialist care is also available in main towns. Outside of main towns the situation deteriorates and antiquate equipment continues to be used. However, doctors from larger hospitals visit persons in remote villages. [41] (p.1)

5.70 Most over the counter medicines are freely available in the main cities although they may be more difficult to obtain in the more remote areas. Leukaemia is treated in several hospitals throughout Romania. The leading medical centre in Bucharest has a solid reputation within Romania and professors at the Romanian School of Medicine enjoy international recognition. However, there is a lack of funding for such treatment from the Romanian health budget. [41] (p.2)

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HIV/AIDS

5.71 According to statistics from the Ministry of Health, 5,000 children and almost 2,000 adults were registered with HIV/AIDS infection, as of January 2002. Special medical treatment and antiretroviral medication is available for all HIV positive patients through a chain of regional centres. [25]

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People with disabilities

5.72 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that 'Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities are almost non-existent. Many persons with disabilities cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation.' [26] (p.14) According to official statistics, there were 3,500 disabled children living

in state institutions; conditions in these institutions ranged from adequate to harsh. [26]

5.73 In February 2004, Amnesty International reported that seventeen patients at Poiana Mare psychiatric hospital in southern Romania had died of malnutrition and hypothermia since the start of this year, and that the remaining 440 patients were in grave danger unless the government immediately increased funding to the institution. A representative of the Centrul de Resurse Juridice (Centre for Legal Resources), a Romanian non-governmental organisation, visited the hospital on 20 February and established that 17 patients had died in 2004, all apparently from malnutrition and hypothermia, and that 84 patients had died, many from similar causes, in 2003. Hospital staff reported a lack of funds to adequately care for patients. Patients at the hospital were reported hungry, poorly clothed and infested with lice. The hospital heating system did not appear to have been used, in a region where winter temperatures regularly drop well below zero, Amnesty International called on the Romanian Government to act immediately to increase spending, which it believes are already at chronic levels and had fallen over the preceding 18 months. [47] (p.1-2)

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Educational System

5.74 Education is free and compulsory between the ages of six and 16 (the eight grade) years. [1] (p.517) The Education Act, adopted by Parliament in 1995, provides that "citizens of Romania have equal rights of access to all levels and forms of education, without distinction on account of social and material status, sex, race, nationality, or political or religious affiliation" (art. 5). The Act guarantees "the right of persons belonging to national minorities to learn their mother tongue and the right to be taught in that language" (art. 8, para 2). It also establishes a mandatory requirement to study the Romanian language, as the official language of the State (art 8, para 3). [15a]

5.75 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that 'After the eighth grade, schools charge fees for schoolbooks, which discourages attendance for lower income children, particularly Romani children. In the 2001-02 school year, approximately 96 percent of primary school-age children attended school, including kindergartens.' [2c] (p.13) Approximately 96 percent of primary school-age children attend school. Boys and girls generally receive the same treatment in schools. The Ministry of Education reported that the dropout rate in the 2000-2001 school year, calculated by the National Institute for Statistics, was approximately 0.6 percent. This figure represented a significant decrease in the dropout rate since 1997-98, when 20 percent of children under 15 left school. [2c]

5.76 The Education Act provides for the study of religion as a compulsory subject in primary education, as an optional subject in lower secondary education, and as an extra subject in upper secondary education and vocational schools.

The student chooses the religion and denomination he or she wishes to study. The curricula are drawn up by the denominations and approved by the State Secretariat for Religious Denominations and the Ministry of Education. Article 12 of the Act provides that "the organisation and contents of the teaching may not be structured on the basis of exclusive and discriminatory criteria of an ideological, political, religious or ethnic nature." [15a]

5.77 The Government did not restrict access to the Internet or academic freedom. [2c] There are 302 school establishments and sections in which teaching is conducted in German. A substantial number of students from the German minority study in schools in which the teaching takes place in Romanian. They also have the possibility of studying, on request, the German language as a subject in school (four hours per week for years one to four and three hours per week for years five to twelve). [15a]

5.78 Article 32 of the Constitution, which established the right to free education for all, also grants the right to members of national minorities to learn their mother tongue and to be educated in this language. The school network for teaching in the national minority languages includes establishments, sections and study groups in which the students can be taught or learnt in the language of the Serbian, Ukrainian, Slovak, Czech, Bulgarian, Croatian, Turkish and Tatar, Russian, Polish, Armenian, Greek and Italian minorities. [11a] (see also section 6.93-6.104 on Ethnic Groups)

5.79 In 1997 a school programme was established to provide Romany children with an opportunity to learn the Romany language. Study groups for the language have been set up in eight pre-university educational establishments. Special classes for Romany language and literature teachers were set up in 1993 in three teacher training colleges in Bucharest, Bacău and Târgu-Mureş. Students on the programme include not only young people of Roma origin, but also ethnic Romanians. [15a]

5.80 The Educational Publishing House has published a special textbook to facilitate the teaching of Romany, and in 1997 the Ministry of Education prepared a curriculum for years one to four. In this educational process, increased importance was being attached to co-operation between the competent Romanian authorities and NGOs working in the field of Roma education and culture. [15a]

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Accession to the European Union and NATO

5.81 Romania's relations with other countries slowly improved after the overthrow of President Ceauşescu in 1989. An Association Agreement with the European Community was signed in February 1993, and in October 1993 Romania became a member of the Council of Europe. In June 1995 Romania formally applied for full membership of the European Union however in July 1997 the European Commission judged that Romania was not then ready to begin accession negotiations for EU membership. [1] (p.486-495)

5.82 The United Kingdom Foreign and Commonwealth Office Romanian Country Profile (FCO RCP) noted that, 'Membership of the EU is one of Romania's top foreign policy objectives. At the Helsinki European Council in December 1999, Romania together with Bulgaria, Slovakia, Lithuania, Latvia and Malta were invited to begin EU accession negotiations. Romania has opened all 30 chapters of the EU acquis and provisionally closed 16. The European Council in Copenhagen on 12-13 December 2002 marked the conclusion of accession negotiations with Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia who will become members of the EU from 1 May 2004. This has lent a new dynamism to the accession of Romania as part of the same enlargement process. The Union welcomed the important progress already achieved by Romania but underlined the importance of judicial and administrative reform to help bring forward Romania's overall preparation for membership.' [4b] (p.4) Following the European Council in Brussels and depending on further progress in complying with membership criteria, the objective is to welcome Romania and Bulgaria as members of the European Union in 2007. [22a]

5.83 The Telegraph reported on 17 March 2004, that Romania's aim of joining the EU in 2007 looked increasingly uncertain. The Government was charged with having failed to make significant progress in reforming the economy or in its fight against corruption. [52] In February, the EU's Special Rapporteur, Emma Nicholson, called for Romania's talks on joining the EU to be suspended. Ms Nicholson expressed concern that existing reforms were not being properly implemented and that the judicial system still had a long way to go before it could be termed genuinely independent. [53b] In March, Ms Nicholson added that the 2007 target date for entry was "not set in stone" or "a done deal". [53a] EU Enlargement Commissioner, Guenter Verheugen, warned the Romanian Government that its failure to go after the "big fish" in its fight against corruption jeopardised its chances of joining the EU. [53a]

5.84 In early 1997, Romania directly appealed to all NATO member countries to support its accession into the organisation in the first wave of expansion. [1] At NATO's Madrid Summit in July 1997 the Czech Republic, Hungary and Poland were invited to start accession talks and joined NATO in 1999. At the 1999 Washington summit allied leaders promised that these countries would not be the last new countries to join NATO. [16]

5.85 Romania was the first country to sign up for Partnership for Peace immediately after the NATO summit in January 1994. [1] They joined the Membership Action Plan (MAP) in 1999, which gives subsistence to NATO's commitment to keep its door open. It does not, however, guarantee future membership. MAP provides for a range of activities designed to strengthen each aspirant country's candidacy. NATO is following the progress made by each aspirant and providing political and technical advice. [16]

5.86 On 26 February, the Romanian parliament in joint session unanimously adopted the bill of accession to the North Atlantic Treaty Organisation (NATO). [33m] Romania will formally become a member of NATO when it deposits its

instrument of accession with the United States Government. Its accession to NATO was marked by a special ceremony attended by President Bush on 29 March. [48] [220]

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6. Human Rights

6.A Human Rights Issues

Overview

6.1 The European Commission Accession Report of December 2003 (EC AR 2003) noted that 'Romania continues to respect human rights and freedoms, and has made good progress in a number of important areas. Structures have been established to implement anti-discrimination legislation...The capacity of the Ombudsman's office was strengthened. The good progress noted in last year's report in reforming the system of child protection has continued and further initiatives have been taken to enhance the rights of national minorities. The implementation of the Roma Strategy has continued although a lack of resources has meant that the results have been somewhat limited. Similarly, the process of property restitution has continued, but remains far from complete. Reforms have been launched in a number of other areas: modernisation of the police, improving care for the disabled, reducing social exclusion and improving social dialogue.' [3b] (p.121) Progress has also been made in promoting equal opportunities between men and women, with developing structures to reduce trafficking in human beings. Legislation extending the official use of minority languages was implemented relatively smoothly. [3a] (p.35) However, the EC AR 2003 also noted that Romanian government has future challenges ahead in fully realising the effective implementation of recent initiatives and changes. Significant work still needs to be done to strengthen freedom of expression. [3b] (p.121)

6.2 Freedom House, in its 2004 report on political rights and civil liberties, assessed Romania as being a free country. It rated Romania in both areas of political rights and civil liberties as having attaining level 2. Level 1 being the highest and 7 the lowest. [38c] (p.4-5)

6.3 A law approving the 2000 Government Ordinance on Preventing and Punishing All Forms of Discrimination entered into force in January 2002. According to the European Commission, this law represents a step forward in terms of the fight against discrimination in Romania. [3a] (p.26)

6.4 The Office of the Ombudsman deals with complaints lodged by persons whose civil rights and freedoms have been infringed by the public administration. The Ombudsman's Office, which was established in March 1997, became fully operational in 1999. [3a] (p.29) In spite of limited resources in terms of powers, staff, budget and increasing numbers of complaints, the Ombudsman's office is assessed to have improved its effectiveness during 2003. [3b] (p.22) In the first eight months of 2003, the Ombudsman's office had received 5,400 complaints. [2c] (p.12)

The Office is obliged by law to provide an initial response within a year of the date they were recorded and deals not just with human rights, but with all facets of citizens' interaction with government. [3a] (p.29) The Ombudsman's role was still not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration. [2c] (p.12) In 2003, the Constitution was amended to give the Ombudsman the right to ask the Constitutional Court to declare on the constitutionality of laws prior to their entry into force. The Ombudsman's term of office was also extended from four to five years. [3b] (p.23)

6.5 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that '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 to monitor the observance of human rights. These groups, as well as international human rights organisations, functioned freely without government interference. [2c] (p.11-12)

6.6 NGO Freedom House believed that civil society in Romania, in 2002, proved quite active. Groups mobilised repeatedly to promote changes to bills or decisions issued by public institutions that they considered unconstitutional or infringing on human rights. The most significant success for civil society in 2002 was the adoption of the Law on Freedom of Information, which had been under discussion for three years. Eight large NGO's organised the campaign to push for the law's introduction. [3b] (p.480)

6.7 The Government generally co-operates 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 Ministry of the Interior, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government did not promote transparency in this regard. [2a] (p.1)

6.8 Every faculty of law includes human rights as a fundamental component of its training of lawyers, magistrates and officials responsible for securing application of laws. Human rights are also taught at the Police Academy (which has university status) and at the National School of Administration; and are included in the primary and secondary school curriculum, in the form of courses in civic education and human rights. [15a]

6.9 An Emergency Ordinance, adopted in March 2002, banned fascist, racist or xenophobic organisations as well as symbols relating to individuals guilty of crimes against humanity. [3a] (p.32)

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Torture

6.10 The Constitution prohibits torture and inhuman or degrading punishment or treatment. However, there were credible reports that police, during 2003, beat detainees and used excessive force. [2c] (p.2) Amnesty International reported that the number of police beatings, some of which amounted to torture, remained high in 2002. Amnesty report that at least seven deaths accrued in what they described as "suspicious circumstances". In many cases, victims were beaten and ill-treated by police officers who wanted to extract "confessions". [6c] (p.1)

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Extrajudicial Killings

6.11 There were no official reports, in 2003, of arbitrary or unlawful deprivation of life. However, in 2001/2002 similar statistics also pointed to there being no deaths, although a number of cases have arisen during the past year (2003) that appear to indicate that the police were responsible for excessive force leading to the deaths of citizens. [2c] (p.2) Amnesty International reported findings by the European Commission which stated that 'There had been no noticeable reduction in cases of excessive violence being used by police against members of the public'. Successful prosecutions against police were rare with internal investigations frequently reporting inconclusive findings. [6c] (p.1) [3a] (p.31) Under a 1994 law, police may 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, and allows other law enforcement bodies to use force under similar circumstances. [6a][6b]

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Disappearances

6.12 The US State Department report on Human Rights Practices – 2003, noted that, 'There were no reports [during 2003] of politically motivated disappearances. [2c] (p.2)

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Freedom of Speech and of the Media

6.13 The Commission of the European Communities – 2002 Regular Report on Romania's Progress Towards Accession (EC AR 2003), notes that, 'Freedom of expression is guaranteed in the Constitution and both the written press and electronic media are able to report freely. At the same time, restrictions on the freedom of expression do exist...Both Houses of Parliament passed a draft law on the right to reply that has been criticised by human rights organisations for

giving disproportionate power to the plaintiff and thereby discouraging the media from presenting critical opinions or closely scrutinising controversial issues. The President did not promulgate the law. In a separate development, procedural reasons were used to dismiss the Board of Control for Romanian State Radio (appointed by the previous Government) before it had completed its term of office. This allowed the current Government to appoint a new Board of Control. Taken together, the European Commission reported that these developments indicated the Government's increasing sensitivity to critical media reports and represents a worrying trend.' [3a] (p.32-33)

6.14 The International Helsinki Federation, in their annual report covering events of 2002, noted concerns in several aspects relating to freedom of expression. These areas included insult, libel, offence against authority, and "verbal outrage" which were prosecuted under criminal law and provided even for a prison sentence. Public officials enjoyed a wider scale of protection than ordinary people. [7b] (p.2) Freedom House believed that Romania's legislative framework for independent media, partly inherited from the Communist period, fails to meet European standards. [38] (p.484)

6.15 During 2002, the Penal Code was revised with the crime of "offence to authorities" being repealed, the crime of "insult" no longer punishable with a prison sentence, and maximum prison terms for "calumny against private persons" and "calumny against officials" being reduced. However, the amendments were limited and maintaining "calumny against officials" as a specific offence with a higher penalty than a similar offence against non-officials contradicts the case law of the European Court of Human Rights. [3a] (33) Freedom House criticised the Penal Code for excessive penalties that hampered press freedom and called on the Government to make amendments to reduce these penalties. [38b] (p.1)

6.16 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that, 'Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Foreign news publications may be imported and distributed freely, but high costs limit their circulation. [2c] (p.6)

6.17 The US SDR 2003 further noted that, 'Many media outlets – electronic and print – had substantial tax arrears. Fears of government audits and punitive tax actions to collect these arrears inhibited negative coverage of leading government figures.' [2c] (p.6) EC – 2002 Progress Towards Accession, further noted that, 'pro TV, the largest private television company, is heavily indebted to the Romania state and has applied to the tax authorities for a rescheduling of its outstanding tax liability. This makes the channel's continued operation dependent on the good will of the Romanian authorities.' [3a] (33)

6.18 According to the Media Monitoring Agency, 90 percent of the population gets its information through television. Only 18-20 percent of the public reads newspapers. Nevertheless, approximately 1,500 periodicals compete for readers in Romania today. There are also 308 radio stations and 120 television stations throughout the country. Most television and radio stations in the

country are private. The only state-owned periodical is the Official Gazette, which publishes the texts of laws and acts. [38] (p.485)

6.19 US SDR 2003 noted that, 'Several private television stations broadcast nationwide, with the largest reaching approximately 45 percent of the rural and 85 percent of the urban market. There are 117 private television stations and 260 private radio stations. Approximately 3.4 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. Romanian State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters capable of reaching the bulk of the rural population at year's end. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions.' [2c] (p.6)

6.20 Press and television coverage generally reflected the political viewpoints of owners, which cover most of the political spectrum. However, privately owned television stations directly avoided criticising the Government and the ruling party, particularly on issues relating to corruption or other serious issues, for fear that the Government would penalise them with back taxes and auditing. [2c] (p.6) A report by the Media Monitoring Agency in February 2003, cited by the Committee for the Protection of Journalists, noted that 52% of participating editors said that they were pressured to block certain kinds of information. [51] (p.2)

6.21 The US SDR 2003 also noted that, 'PSD parliamentarians and their political allies purchased numerous independent media outlets in the provinces, including several British Broadcasting Corporation (BBC) affiliate stations that, subsequent to their purchase, cut off BBC Romanian Service news programmes... There were cases of journalists who criticised ruling party leaders being forced to leave their jobs. In Targu-Jiu, Gorj County, the editor and producer at local TV station RCS left her job in March [2003] after her show was cut off in mid-broadcast while she was discussing corruption scandals involving local leaders' [2c] (p.6&8) A report by Media Monitoring Agency, Academia Catavencu, labelled the trend towards local and national politicians owning and controlling the media as "Berlusconisation". [54] (p.2)

6.22 NGO Freedom House believed that the media's financial dependence on the state makes it increasingly beholden to political actors and vulnerable to corruption. [38] In December 2003, Freedom House reported the brutal beating of a journalist in Timisoara who had written a number of articles alleging corruption among local leaders of the ruling Social Democratic Party. Freedom House also claimed that press freedoms had been eroded by politically motivated fines against journalists and media organisations and official attempts to reduce financial viability of media organisations by reducing advertising bases. [38b]

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Journalists

6.23 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that, 'There were reports of harassment, intimidation, various forms of pressure, and violence against journalists who were perceived as overtly critical of the Government or the ruling party. Some of this pressure allegedly occurred with at least tacit support by local government and party officials. According to the Centre for Independent Journalism in Bucharest, there were 10 major incidents involving a total of 14 journalists who were physically attacked during the year.' [2c] (p.7)

6.24 The Romanian Helsinki Committee, in its Annual Report of 2002, claimed that threats against freedom of expression intensified during the year, most notably in the audio-visual domain. Court cases against journalists' accused of insult or libel are still an on-going practice. [20a] (p.1) Reporters Without Borders noted increasing pressure from the national and local authorities, reducing the chance of expressing political opposition or criticism that might give a "bad image" of the country at a time when Romania is negotiating to join NATO and the European Union. [37] (p.1)

6.25 The revised Penal Code maintained imprisonment as a punishment for libel and defamation of a public official, under Articles 205, 206 and 239. According to the NGO Media Monitoring Agency, "Academica Catavenuc", there were more than 400 cases pending against journalists who had written critically of public figures or local authorities. Most involved charges of insult or libel. [6c] (p.2)

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Freedom of Religion

6.26 The Commission of the European Communities – 2002 Regular Report on Romania's Progress Towards Accession (EC AR 2003), notes that, 'Freedom of religion is guaranteed by the Constitution and is observed in practice. The Government does not restrict the observance of religious belief, although human rights organisations have reported cases of Orthodox clergy, sometimes working with local officials, restricting the religious activities of other churches.' [3a] (p.33) However, the Romanian Helsinki Committee (RHC) (in 2002) accused the Government of 'Encouraging and sanctioning intolerance and violence shown by the Orthodox communities and priests' and of being "passive" and not showing "political will" to deal with the situation. The RHC also highlighted cases where members of the Greek Catholic Church were locked out of their churches and were forced to worship outside or in private houses. In other instances, churches were reportedly torn down to prevent their use by the opposite denomination. In another report, an Orthodox priest with the support of parishioners and armed police attacked a church, breaking in throwing Greek Catholic Church members into the street. [20c] (p.1-2)

6.27 There are 15 recognised religions in Romania, and while the possibility of registering new religions exists in principle, it has not been applied in practice. Non-recognised faiths are able to operate without restrictions but do not benefit from the same legal advantages as recognised religions. [3a] (p.33) More than 400 religious organisations are recognised by the state. [1] (p.500) There are generally

amicable relations among the different religious groups; however, the Romanian Orthodox Church has shown some hostility toward non-Orthodox religious churches and criticised the "aggressive proselytising" of Protestant, neo-Protestant, and other religious groups, which the Church repeatedly has described as "sects". [2e] (p.10)

6.28 The US Department of State report on International Religious Freedom 2003 (US IRF 2003), notes that, 'The Government requires religious groups to register. To be recognised as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organisational, leadership and management diagrams, and a body of dogma and doctrines formally stated by a religion. The Government has refused to recognise a number of religious groups, and no religious groups have received status since 1990.' However, following a ruling by the Supreme Court in March 2000 the Government eventually recognised the Jehovah's Witness as a 'recognised religion' on 22 May. Jehovah's Witness is the first religious group to gain official recognition since 1989. [2e] (p.3)

6.29 According to 2002 census figures, close to 87 % of the population, (18,817,975 people) belonged to the Romanian Orthodox Church. The Roman Catholic Church had 1,026,429 members whilst the Catholic Church of Byzantine Rite (Greek Catholics or Uniates) had 191,556 members. [2e] (p.2)

6.30 Religions formally recognised by the Romanian State (and number of adherents reported at the 2002 census):

Romanian Orthodox Church	18,817,975
Romanian Church to Rome (Greek Catholic)	191,556
Roman Catholic Church	1,026,429
Reformed Church (Calvinist)	701,077
Evangelical Church (Synodical-Presbyterian)	27,112
Unitarian Church	66,944
Armenian Church	687
Christian Religion of the Old Rite	38,147
Baptist Christian Church	126,639
Pentecostal Cult - God's Apostolic Church	324,462
Seventh Day Adventist Church	93,670
Jewish Faith	6,075
Muslim Faith	67,257

[2e] (p.2)

6.31 US IRF 2003 reports that, 'according to published sources, the Baha'i Faith, the Family (God's Children), the Church of Latter-Day Saints (Mormons), the Unification Church; the Methodist Church, Jehovah's Witnesses, the Presbyterian Church, Transcendental Meditation, Hare Krishna and Zen Buddhism are active denominations in the country.' [2e] (p.2)

6.32 Persons belonging to national minorities benefit from the same constitutional provisions as all Romanian citizens with regard to freedom of religion. Article 6 of the Constitution provides that "the State recognises and guarantees the right of persons belonging to national minorities to the

preservation, development and expression of their religious identity"; while article 29 defines the framework for the expression of freedom of conscience and religion in Romania. [15a] (p.59)

6.33 Persons belonging to national minorities are among the members of the various religious denominations recognised in Romania. They include the Roman Catholic Church, the Evangelical Church (Augsburg Confession), the Reformed Church, the Evangelical Church (Synodic-Presbyterian), the Unitarian Church, the Armenian Church, Judaism, Islam, and the Ukrainian and Serbian Orthodox vicariates. These denominations are free and autonomous, freely appoint their governing bodies and clergy without interference by the State and are free to use the mother tongue of the congregation in their worship. [15a] (p.59)

6.34 Article 32 of the Constitution establishes the freedom of religious education, in accordance with the specific requirements of each denomination. [15a] (p.59)

6.35 US IRF 2003 notes that, 'there are generally amicable relations among the different religious groups. However, the Romanian Orthodox Church repeatedly has criticised strongly the "aggressive proselytising" of Protestant, neo-Protestant, and other religious groups, which the Church has repeatedly described as "sects". There is no law against proselytising, or clear activities of what activities constitute proselytising.' [2e] (p.1)

6.36 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. Before the merging of the two churches, the Greek Catholic Church is believed to have owned over 2,600 churches. The Greek Catholic Church has reportedly very few places of worship and a joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance. Restitution of the existing churches is important to both sides because local residents are likely to attend their local church whether it is Greek Catholic or Orthodox. The number of believers and share of the state budget allocation for religions is therefore at stake. [2e] (p.8-9)

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Jewish Community

6.37 Romania saw Eastern Europe's biggest post-war exodus of Jews. Its Jewish community now numbers around 14,000, all that remain of a pre-war community of 800,000. Romania's ruling of July 1997, to award pension rights to expatriates, including thousands of Romanian Jews who have emigrated to Israel, earned praise from international Jewish community leaders on 22 August 1997. [32b][32c]

6.38 The far-right press continued to publish anti-Semitic articles. The Legionnaire's (an extreme nationalist, anti-Semitic, pro-Nazi group) continued to republish inflammatory books from the inter-war period. Extremist publicists have made repeated attempts to deny that Holocaust activities occurred in Romania or in Romanian administered territory. Most mainstream politicians

publicly criticised anti-Semitism, racism, and xenophobia as well as attempts to deny the Holocaust and rehabilitate World War II Dictator Marshal Ion Attonescu. [2b] (p.9)

6.39 US IRF 2003 notes that, 'The fringe press continued to publish anti-semitic articles. The Legionnaires (also called the Iron Guard, an extreme nationalist, anti-semitic, pro-Nazi group that existed in the country in the inter-war period) continued to publish books from the inter-war period. Religious services to commemorate Legionnaire leaders continue to be held in Orthodox churches. Anti-Semitic graffiti were written on the walls of the Jewish Theatre in Bucharest and on downtown buildings in Cluj in October 2002. Perpetrators have not been identified in either case. Thieves broke into the Jewish temple at Vatra Dornei in July 2002. The synagogue in Foscani was desecrated in July 2002. In May 2003, one Jewish cemetery was desecrated in Arad. The perpetrators could not be identified, but are believed to have been local youths, rather than members of an organised anti-semitic movement.' [2e] (p.12)

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Jehovah's Witnesses

6.40 In March 2000, the Supreme Court ordered that Jehovah's Witnesses be recognised. While the Government was slow to issue an administrative act to enforce this court order, in May 2002 the Government issued order 2,657 of 22 May granting Jehovah's Witness the status of a recognised religion. [2e] (p.3)

6.41 Members of Jehovah's Witnesses complain that the number of cases in which their ministers have been abused verbally and physically by persons incited by Orthodox priests, increased in 2003. [2e] (p.11)

6.42 Romania offers an alternative national service to those who object to military service on religious grounds. Current alternative military service terms are implemented by Law number 462/1994 on the "Preparation of Romania's Population for Defence." They would be expected to work in the public sector doing manual labour, i.e. on railways, building sites etc. Jehovah's Witnesses are mentioned specifically in the 1991 law on alternative military service. [4a]

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Freedom of Assembly and Association

6.43 The Constitution provides for the freedom of assembly. Both of these rights are respected in practice. [2c] (p.8) 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. Organisers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organisers in writing within 48 hours of receipt of the request. The law prohibits the organisation of, or participation in, a counter-demonstration held at the same time as a

scheduled public gathering. [2c] (p.8) A law passed in March 2002 forbids fascist, communist, racist or xenophobic symbols (statues of war criminals are not permitted on public land), ideologies, or organisations. Imprisonment and fines punished unauthorised demonstrations or other violations. [2b]

6.44 Act No. 60/1991, the Public Assemblies (Organisation and Conduct) Act, regulates in detail the conditions necessary to organise meetings, demonstrations, functions, parades and any other form of assembly. [15a] (p.45)

6.45 The Act provides that public assemblies to be held in public squares, on the public highways and in other open spaces may be organised only after written notification has been received by the local administration, three days prior to the event. The request must specify the name of the organising group along with the purpose, date, place, starting time and duration of the event. It must also specify the arrangements for access and dispersal, the estimated number of participants, the persons who will organise the event and take responsibility for it, and the services the organisers are requesting the local authorities and local police to provide. Where justified, the local authorities may, with the organisers' consent, alter some details of the preliminary notification. [15a] (p.45)

6.46 The Constitution provides for freedom of association and the Government generally respects this right in practice. Political parties gain legal status if they have at least 25,000 members to have legal status, a number that some NGOs have criticised as being "inordinately high". [2c] (p.8) Associations may be granted legal status with proof of 20 founding members and at least 200 supporting members. [2a] (p.7)

6.47 In time for the November 2000 parliamentary elections, the electoral threshold for a seat in Parliament was raised by an Emergency Ordinance from 3 per cent to 5 per cent for political parties, independent candidates and associations. In addition, a scale was adopted for political formations (coalitions and alliances) with a threshold of 8 per cent for groupings with two members, 9 per cent for those with three members and 10 per cent for those with 4 or more members. [16b] (p.5) Some 90 parties, electoral alliances and independent candidates contested the parliamentary seats in the 2000 elections. [1] (p.504)

6.48 Monarchist groups are prohibited from registering as political parties, as according to the law all parties must respect the country's constitution which "defines Romania as a republic." Nevertheless, major pro-monarchy newspapers publish freely and openly pro-monarchist parties function without hindrance. [21b] (p.4)

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Employment Rights

6.49 The law provides that all workers except police and military personnel have the right to associate freely, to engage in collective bargaining, and to form and join labour unions without previous authorisation. A new Trade Union Law

Improving legal rights and guarantees of association to all private sector (and some public sector) employees was introduced in February 2003. The new law enshrines the right of at least 15 employees of the same profession to set up a trade's union organisation, even if they work for different employers. Ministries of Intelligence, Defence, Administration and Interior are not allowed to join unions. 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. [2c] (p.15) The majority of workers belonged to the main 18 trades unions. [2c] (p.15) Workers have the right to bargain collectively but in practice this was hampered by continued state ownership of a large number of companies. Employees could bargain for everything except salaries, which are set by the Government. [2c] (p.16)

6.50 Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises: likewise, the absence of independent management representatives. Although the law supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which are set by the Government. [2c] (p.16)

6.51 The Labour Code provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off per week. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. [2c] (p.17)

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

6.53 The US State Department Report on Human Rights Practices – 2003 (US SDR 2003), noted that, 'the minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in dangerous or hazardous conditions. Violations of the child labour laws are punishable by imprisonment for periods of 2 months to 3 years. 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 Labour and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law.' [2c] (p.16)

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Trade unions and the right to strike

6.54 All workers except certain public employees have the legal right to associate freely and to form and join labour unions without previous authorisation; however, there are reports that the Government restricted this right. The Ministries of Intelligence, Defence, Administration and Interior are not allowed to unionise. The majority of workers are members of approximately 18 nation-wide trade union confederations and smaller independent trade unions. 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. 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 law prohibits anti-union discrimination. [2c] (p.15)

6.55 Official government data suggests that only 2.61 million, or 58 percent, of the country's 4.5 million registered workers are unionised. However, the total numbers is likely much higher – and therefore the percentage of unionised workers much lower – owing to the size of Romania's shadow economy. Approximately 225,000 farmers (representing 5 percent of all unionised workers) and 120,000 workers in small business (2-3 percent) belong to professional associations. [38] (p.483)

6.56 The EU Commission's report on Romania's Progress Towards Accession – 2002 (EU PTA 2002), notes that, 'Trade Unions are amongst the most visible civil society organisations and the Government has continued its efforts to constructively engage with them. In January 2002, the Government concluded a Social Pact with the majority of the trade unions. A further agreement was reached in June 2002 with the two unions that had not signed the original agreement. Following a request from the trade unions, the Ministry of Labour and Social Solidarity signed the European Social Security Code.' [3a] (p.35)

6.57 EU PTA 2002 also notes that, 'Against a background of industrial restructuring serious labour disputes have taken place – most frequently in the processing industry and in the public sector. At the same time, the Law on the Solution of Labour Disputes would appear to be working with over 50% of disputes solved through conciliation.' [3a] (p.35)

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People Trafficking

6.58 Romania remains a country of origin and of transit for trafficking in human beings. The United States Department of State's Report on 'Trafficking in Persons' June 2003 believed that the Romanian Government's efforts had stood out in the previous year as it continued to establish itself as a leader in regional law enforcement co-operation and maintenance of comprehensive records. However, the government had displayed relative weaknesses in securing final convictions against traffickers and, while it had made efforts to root out official corruption, this area required further improvement – especially among the ranks of law enforcement. [2d] (p125-126)

6.59 The International Organisation for Migration estimates that as many as 20,000 women are trafficked from Romania each year. In response to this situation, a law for combating trafficking in human beings was adopted in December 2001 and defines the concepts of 'trafficking' and 'exploitation' as well as setting out penal sanctions. [3a] (p.31)

6.60 The International Organisation for Migration (IOM) in its 2003 report on trafficking "Who is the Next Victim?" reported that most women who are trafficked from Romania come from poorer areas in the north, including the Transylvania region. However, the IOM noted that Transylvania has well institutionalised and had well established labour migration networks thus providing some protection against trafficking. [44a] (p.40-41) Statistics show that only a small number of migrants ended up as victims of trafficking. [44a] (p.9) Women and girls who were trafficked came mostly from medium sized towns of between 30-100,000 inhabitants. They were usually from single parent families who had not completed schooling and who were unemployed. [44a] (p.41) Abusive parents, lack of opportunity and poor backgrounds led young women to take risks with regard to job offers abroad. [44a] (p.62) Roma women were reported to be especially vulnerable to trafficking. [44a] (p.41) The IOM believed that education was one of the most important factors in determining whether young women would become victims of trafficking. The IOM believed that educated women were more able to quantify and understand risk and better at using institutions and formal channels to protect themselves. [44a] (p.63)

6.61 The US State Department Report on Human Rights Practices – 2003 (US SDR 2003), noted that, 'The law for combating trafficking in human beings provides for sentences for traffickers of 3 to 12 years' imprisonment. Trafficking in minors between 15 and 18 years of age also carries sentences of 3 to 12 years. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. There are increased penalties of 3 years if the trafficker is a member of an organised crime group and 2 years in the case of minors if the trafficker uses coercion. Consent of a trafficked person does not exempt the trafficker from liability.' [2c] (p.18)

6.62 No convictions were brought under the Anti-Trafficking law during the reporting period for the United States Department of State's June 2003 'Trafficking in Persons' Report. One hundred and fifty persons were convicted for an aggregate 168 offences under various provisions of the law and 303 victims were identified during the course of criminal investigations. A number of related crimes in the criminal code were used to prosecute, convict and sentence traffickers, such as 190 charges for slavery and 329 for pimping. [2d] (p.125-126)

6.63 The US State Department, Trafficking in Persons Report – June 2003 (US SDR Trafficking 2003), noted that, 'All relevant ministries participate in an IOM co-ordinated Counter-Trafficking Steering Committee. Together the IOM, the government developed and distributed course materials in trafficking to schools, taught an anti-trafficking course for teachers of various subjects and

levels, and conducted mass media prevention campaigns targeting the public at large. The government continues to improve its ability to monitor its borders and keeps statistics on illegal migration and movements of persons.' [2d] (p.125-126)

6.64 US SDR Trafficking 2003 also noted that, 'The Ministry of the Interior has a specialised unit devoted to trafficking, migration and adoption with seven persons at headquarters and investigators in 15 regions throughout the country. The Prosecutor General's office assigned prosecutors throughout the country specifically to prosecute trafficking and related crimes. Border monitors have procedural guidelines for identifying and responding to trafficking situations and police interdicted several trafficking operations at the borders. The police have travelled to destination countries to bring victims home and conduct investigations. In the past year, Romania and France agreed on co-operation on prosecution of child trafficking rings and protection of Roma children trafficked to France.' [2d] (p.125-126)

6.65 US SDR Trafficking 2003, further noted that, 'The government has drafted regulations for implementing the victim protection aspects of the anti-trafficking law. The regulations were finalised in the latter part of 2002, but without budget allocations, law enforcement conducted victim referrals and protection during investigations without financial support. Due to some changeovers in the government agencies tasked with anti-trafficking, some NGOs complained that referrals and protection mechanisms suffered. The government provides space and police protection at a refugee centre turned trafficking shelter, although the shelter did not operate consistently throughout the year. The government actively assists in preparing documents for repatriations but relies on IOM to carry out repatriations from destination countries.' [2d] (p.125-126)

6.66 The Government generally respected the legal prohibition against punishing victims for crimes committed through the course of trafficking. Foreign and domestic victims are provided support services, including rights presentations and legal assistance. [2d] (p.125-126)

6.67 The US State Department Report on Human Rights Practices – 2003 (US SDR 2003), noted that, 'In the course of its efforts, the Government recognised that corruption in the police force - particularly in local forces - may have contributed to the problem. As a result of both training and personnel changes within the police, police began to acknowledge that Romania was a country of origin for trafficked victims, and they became more aware of the problem. Police developed a system for investigating suspected trafficking cases that came up during border crossing checks. Border Police first questioned victims in an effort to identify traffickers. Subsequently, officers from the Police's Organised Crime Directorate assigned to investigate human trafficking questioned them.' [2c] (p.17)

6.68 Between January 2000 and August 2002, the IOM assisted 566 victims returning to Romania, the vast majority of whom had been trafficked to Bosnia-Herzegovina, the former Yugoslav Republic of Macedonia, Albania and Kosovo. A shelter exists in Bucharest for victims of trafficking, which is the result of a

partnership between the Romanian Ministry of the Interior, the IOM and the Estuar Foundation, a non-governmental organisation commissioned for providing customised assistance to the victims of trafficking. The Centre provides assistance in voluntary return, transportation, shelter services, trauma counselling, job and life skills training, medical care and legal assistance. There remains a lack of adequate shelters and recovery services. [11] (p.9) An NGO, Reaching Out, provides a refuge for women who have been the victims of trafficking in Pitesti. [42a] (p.10)

6.69 On 13 April 2004, the International Organisation for Migration (IOM) reported research findings into the effectiveness of the assistance it offers to sex industry victims of human trafficking returned to Romania. It reported that many victims of trafficking can be successfully reintegrated, achieving both social rehabilitation and social independence. [44b] (p2)

6.70 The US State Department Report on Human Rights Practices – 2002 (US SDR 2002), noted that, 'In the past, victims returned to Romania were prosecuted for the crime of leaving the country illegally, which had reduced their willingness to return to the country or to co-operate with law enforcement authorities. Law 678 requires the Ministry of the Interior to provide protection for victims of trafficking, and undercover operations and electronic surveillance are authorised against traffickers. This law also eliminates criminal penalties for prostitution if the victim turns in traffickers, or co-operates in investigations against traffickers. However, trafficking victims who co-operated with authorities continued to be sentenced for crimes such as illegal emigration.' [2b] (p.18)

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Freedom of Movement

6.71 The law provides for freedom of movement and the Government generally respects them in practice. [2c] (p.10)

6.72 Freedom of movement and the right of citizens to choose their place of residence is guaranteed under article 25 of the 1991 Constitution. The tenant retains his right to the home throughout the entire period of the tenancy agreement. [15a] (p.24)

6.73 Romanian citizens have the right to settle or to change their residence to any place in the country, in accordance with Law 105/1996 on population records and ID cards, article 24.1. Records on Romanian citizens are kept by the ministry of the Interior according to the principle of permanent residence, article 1. Those who change address should report with the following papers to the local police station within 15 days of the move; documents of the house, ID card, birth certificate. [15a] In the event of a change of address the police issue either a permanent permit (for those having bought property, wish to record a permanent change of address) or a temporary permit (valid, according to circumstances, for a maximum of 12 months). Both have to be renewed by the holder when they expire. [4f]

6.74 In 1996 a refugee law was passed, implementing the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. A new refugee law entered into force on 2 November 2000. The legislation attempted to bring Romanian asylum policies and institutions in line with EU standards. Provisions allow authorities to grant humanitarian status to persons exposed to inhumane or degrading treatment or torture in their country of origin and introduce accelerated border procedures for asylum seekers entering the country. Legislation passed during 2001 aligned Romania's border control procedures more closely with those of the EU. In February 2002, the National Refugee Office and the border police signed a protocol that allows police to immediately return illegal migrants arriving from countries with "high migration potential." [25b] (p.1-3)

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Treatment of Asylum Seekers

6.75 The US State Department Report on Human Rights Practices – 2003 (US SDR 2003), noted that, 'the law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol...The Government co-operated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organisations in assisting refugees. The Government also provides temporary protection to individuals who do not qualify as asylees or refugees. Under a 2002 government emergency ordinance, foreigners may not be expelled to a country where their life is jeopardised.' [2c] (p.10) According to the National Refugee Office, 885 individuals submitted applications for asylum, and 206 were approved. There were no voluntary repatriations during 2003. The law establishes a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Interior Ministry and the Labour Ministry funded programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) was minimal; it usually was not enough to cover basic needs. The Government provided temporary accommodation in a few locations; however, the facility in Bucharest operated well below its capacity. Programs for integrating refugees into society developed slowly. An increasing number of transiting illegal migrants regarded the country as a springboard to other countries. [2c] (p.10-11)

6.76 During 2003, the Romanian authorities received 885 applications for asylum; 192 second applications were also received. A total of 326 persons entered the country illegally. 206, (around 23%) of applications for asylum were granted during the year. The Government funded programs to integrate refugees into society; however, these plans were reported to have developed slowly. The Government provided shelters for asylum seekers mainly based in Bucharest and was reported to be building another two shelter housing 500, bringing the total capacity of its shelters up to 1330 places. [2c] (p.10-11)

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6.B Human Rights – Specific Groups

Women

6.77 The Constitution grants women and men equal rights. No legal restrictions hinder the participation of women in government or politics; however, societal attitudes are a significant impediment. [2c] Women remain under-represented in political life, with only 11% of deputies and 9% of senators. [3a] (p.34)

6.78 A law on Equal Opportunities and Treatment for Women and Men was adopted in May 2002. The law aims to eliminate direct and indirect discrimination on the basis of gender and forbids it in the fields of employment, health, culture, information and senior management positions. The law also establishes a mechanism for resolving disputes. The penal code has also been modified to introduce the specific crime of sexual harassment. Implementation of the National Action Plan for Equal Opportunities continued during 2002, most notably with the initial steps towards setting-up a National Agency for Equal Opportunities by 2004. [3a] (p.34)

6.79 Women are well represented in the judiciary. Over 60 per cent of the judicial representatives on the Central and Constituencies Election Bureau's are women. Likewise, at more than 200 polling stations visited by observers on election day (26 November 2000), over 50 per cent had female presidents while overall membership was spread evenly among men and women. [10b] (p.9)

6.80 Law No.197/13, of November 2000, modified and completed some dispositions of the Penal Code. It introduced stricter penalties for physical violence and rape when the victim is a family member, new penalties in relation to a sexual act with a minor and prohibition of a convicted rapist to return back for a determined period in the family living place. It also abrogated the widely criticised provision that lifted penalties for a rapist who subsequently married his victim. [11] (p.11-12) In November 2002, the Parliament of Romania adopted the Law for the Criminal Code Modification and Completion (Art. 180 – 185) referring to the offences of hitting or body harming. It includes special provisions related to the increasing of the punishments in case the victims are members of the offender's family. The new provisions also include the definition of the family member (Art.149/1) and the interdiction for the aggressor to live with the family. The Court can take the decision to separate the offender from his family in case his attitude is considered to be dangerous for other members of the family. [41] (p.5-6)

6.81 The Romanian legislation doesn't include specific discriminatory legal provisions concerning women as victims of violence. The recent improvements in the legislation (The Criminal Code, the modifications of the Penal Procedure Code) against the perpetuation of the violent practices and acts, integrates measures to prevent and eliminate violence. However, many women do not have confidence in police interventions, due to the officer's opinion that the woman is the cause of the crisis and not a victim of her aggressive husband. [41] (p.1 & 6-7)

6.82 In Romania, the Ministry of Health and Family has the responsibility to assist and protect victims of domestic violence. In 1996, on the basis of the Government's Decision 857, a pilot centre for the protection and the assistance of the victims of the violence in the family has been organised under the co-ordination of the Ministry of Labour and Social Protection. Starting from January 2000, the centre is governed by the Ministry of Health and Family. The centre works permanently, having a hotline 983, which connects the victims to support services offered by the personnel calling the Police, counselling by phone, or inviting the victim to come directly to the centre in order to receive support in case of crisis and conflict. Although in the beginning the centre could offer also shelter support, starting from 2000, due to the lack of space and financial support (the centre is located within a medical polyclinique), these kinds of services are not provided anymore for the victims, but only with the help of NGOs. [41] (p.6)

6.83 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that 'Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups 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. In May, a law was adopted that made police intervention possible in domestic violence cases. There is no specific law to address spousal abuse or rape. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment if he married the victim. The successful prosecution of spousal rape cases was almost impossible. A law passed in January mandated the same penalties for rape and sexual abuse without regard to the victim's gender. [2c] (p.17-18)

6.84 The National Institute for Mother and Child Protection offers medical aid and protection for victims of domestic violence. The specialised social protection services offered by the local authorities have also responsibilities to help the victims of the domestic violence. The state structures do not provide shelter for women victims of the domestic violence. In the city of Bucharest, and in the surroundings there are six shelters administrated by NGOs that provide help for the victims (women and children) of violence. In the cities of Cluj, Timisoara, Constanta, there are organised shelters for victims of domestic violence. In the city of Timisoara, the Romanian Association for Women's Promotion has organised an important program for support services for victims of violence in the family: legal and psychological advice, medical care, accompanying the victim during the trial. They have developed, also, informative campaigns for women in order to know how to help themselves. All the services are free. Women victims of domestic violence have free access to health therapy in hospitals, medical clinics and shelters. The governmental pilot centre for the protection of the victims of violence in the family has non-stop free services program of health therapy, legal and psychological support. [41] (p.4)

6.85 Freedom House in Nations in Transit 2003 noted that 'according to the Society of Feminist Studies, 59 women's groups are registered and active in

Romania. Of these, the most important are the Romanian Association of Women's Journalists; the Association of Women of Romania, which promotes the importance of women as wives, mothers and actors in the country's social, economic, and political life; the National Union of Women in Romania, whose mission is to provide aid to women in need; and the National Union for Women Rights in Romania, whose mission it is to promote respect for human rights in general and women's rights in particular.' [38] (p.480-481)

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Children

6.86 The US State Department Report on Human Rights Practices 2003 (US SDR 2003), noted that, 'despite scarce domestic resources. International agencies and NGO's supplement government programmes in these areas.' [2c] (p.12)

6.87 There is no perceptible societal pattern of abuse against children; however, a survey by a local polling firm conducted in 2001 found that 41 percent of women and 59 percent of men reported that they had experienced physical or verbal abuse as children. Nevertheless, large numbers of impoverished and apparently homeless, but not necessarily orphaned, children can be seen on the streets of the larger cities. [2b] (p.11) US SDR 2003 noted that, 'NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. Because time served while awaiting trial counts a part of the prison sentence but does not count towards the time to be served in a juvenile detention centre, some minors actually requested prison sentences.' [2c] (p.14)

6.88 Generally, the criminal law does not distinguish between sexual offences committed against children from those committed against adults. The law does not outlaw paedophilia expressly; rather, paedophiles are charged with rape, seduction and sexual corruption etc. However, the criminal law does contain some measures that increase penalties for those who offend against those under 14 and 18 years of age. In recent years, the Government has increased some penalties in an attempt to provide special protection to children under 14 years of age, for instance, rape of a girl under 14 will now attract a higher sentence of between 10-20 years. [58] (p.1)

6.89 Under Article 45 of the Romanian Constitution, paid labour, whether forced or by consent, of any child under the age of 15 is prohibited. Unpaid labour is also prohibited where the work involved would risk the physical, mental or normal development of the child. Children between the ages of 15 and 16 can be employed with the consent of their legal guardians provided there is no risk to the health of the child and that the child is allowed to continue in education. Young persons of 16 years and over have the right to take employment without the consent of their legal guardians however, certain health restrictions until the age of 18 apply. [57] (p.2-3) In 2000, the Romanian Government with funding from the United States Department of Labor launched a national action program to eliminate child labour. The program aims to promote projects focusing on sensitising the public and national authorities to the problem of child labour. The

scheme will be particularly directed towards communities with high rates of child labour, such as rural communities and Roma. The United States Department of Labor report on Romania - March 2004, noted that, 'As of March 2001, the first of 50 police officers of the General Inspectorate of Police began training to identify and take actions to address the worst forms of child labor. In May 2001, the first 25 MLSS labor inspectors were trained to investigate and monitor labor activities...An active civil society in Romania is taking a greater role in combating child labor, child trafficking, and the problem of street children.' [57] (p.4)

6.90 On 4 December 1995 the Government adopted the National Programme of Action for the Child, decision No. 972, a framework document establishing the priority areas and general orientation of action to improve children's lives. The task of co-ordinating and securing the application by responsible agents of the measures taken in support of children falls to the National Committee for the Protection of the Child, an inter-ministerial body set up in 1993 to draft the Government's strategy in this area. Romania signed the optional protocol of the Convention of the Rights of the Child, concerning the Involvement of Children in Armed Forces. [15a] (p.50)

6.91 The government's 2001-2004 strategy for the protection of children in need makes provision for allocating large sums of money to restoring and, above all, closing large and dilapidated institutions (orphanages) from the Ceascescu era. At the same time, the strategy provides for the establishment of smaller foster homes and rehabilitation centres providing education and specialist care. [11] (p.8)

6.92 According to the European Commission Accession Report of October 2002, Romania has made significant progress with the reform of child protection, although large regional differences still exist in the implementation of the new measures. The number of children in residential care was reduced from approximately 50,000 in 2001 to 43,000 in 2002. A further 40,000 children are protected in family-type care (placement with a substitute family or with a foster family). Improvements have taken place with the financing of child protection activities. The main part of this financing is now transferred from the national budget to the county (judges) councils. Funding is also channelled through the National Authority for Child Protection and Adoption to support national interest programmes dealing the closure of old-style institutions; social integration of street children; social and vocational integration of young persons leaving care institutions; and training of staff in child protection issues. However, the fact that budget appropriations are calculated as a function of the number of institutionalised children tends to favour institutionalisation in comparison to prevention of abandonment. [3a] (p.29-31)

6.93 The United Kingdom Foreign and Commonwealth Office Romanian Country Profile (FCO RCP) noted that, 'The Romanian government strategy for Protection of Children in Difficulty was published at the end of 2001. DFID, along with UNICEF, the EC and USAID, are supporting the Government's efforts to develop a modern, internationally accepted, child care system. In the short term, this assistance is focused on addressing the poor standards surrounding international adoptions from Romania.' [4b] (p.6)

6.94 A moratorium on inter-country adoptions is still in place. [3a] (p.30) The FCO RCP further noted that, 'The moratorium was imposed until new legislation is enacted that puts the interest of the child first and is compliant with the Hague Convention on Inter-Country Adoption, the UN Convention on the Rights of the Child and the European Convention on Human Rights.' [4b] (p.6) However, a Government Decree, adopted in December 2001, provided for adoption applications to be processed in cases where court procedures had been started prior to the introduction of the moratorium – as well as in certain exceptional cases. One result of the moratorium has been the substantial increase in the number of national adoptions. The Romanian authorities have prepared new legislation on childcare and international adoptions and are also developing administrative structure and capacity in order to ensure that adoptions are made exclusively in the best interest of the child. [3a] (p.30)

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Orphanages

6.95 The EU Commission's report on Romania's Progress Towards Accession – 2002 (EU PTA 2002), notes that, 'Closure of old-style institutions is on going; 31 institutions were closed during the course of 2001, and the closure of 34 is under way. The move away from large institutions has been paralleled by a substantial increase in the number of professional foster parents and the range of alternative child protection services. The European Accession Report of October 2002, noted that living conditions in most placement centres (decentralised childcare institutions) are adequate, although care standards in the remaining large, old-style institutions do not respect the individual needs of children. A further positive development is the adoption of a national strategy on maternity hospitals, which could help reduce the levels of abandonment of children in these hospitals.' [3a] (p.30)

6.96 The Romanian Government has taken several measures regarding the protection of children. It has done so with a view to implementing governmental strategy for the years 2001-2004. They include setting up a group for monitoring the progress registered with regard to the process of de-institutionalisation of children and allocating funds to a wide-range of projects for the social integration of street children. [23c] (p.1-2)

6.97 The EU PTA 2002 also notes that, 'Mainstreaming of child protection concerns into other policy issues has progressed, and the National Authority for Child Protection and Adoption has improved its relations with other ministries. The law to combat social exclusion includes measures for young people leaving residential care institutions and should have a positive effect on their integration into society. Given that the main reason for child abandonment is poverty, social legislation passed during 2002, and in particular the laws establishing a minimum wage, should help reduce the number of children in institutions.' [3a] (p.30)

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Ethnic Groups

6.98 Romania's Constitution, adopted in November 1991, guarantees that "the state recognises and guarantees for members of the national minorities the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity... Citizens are equal before the law and public authorities, with no privileges and no discrimination." Romania has also adopted a number of international human rights treaties, including the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, the Romanian Constitution states that any international treaties ratified by parliament become domestic law and make it clear that international treaties take precedence over domestic laws if necessary. [21a] (p.4-5)

6.99 The Organisation for Security and Co-operation in Europe concluded in January 2001 that Romania has demonstrated a commitment to ensuring the protection of national minority rights and the participation of minorities in public life. More than 30 minority associations, representing eighteen different minority groups, ran for seats in the Chamber of Deputies in the November 2000 elections. All of the eighteen minority groups won seats, an increase of fifteen in the outgoing Chamber. [10b] (p.1 & 17)

6.100 Representatives of the smaller minority groups in Romania, such as the Germans, Bulgarians and Lipovans (Russians) reportedly appeared to greatly appreciate provisions for minority associations and feel their concerns and issues are being adequately and effectively addressed by the current system. [10b] (p.8)
They are all represented in the Parliament, in the Parliamentary Group of National Minorities. [23b]

6.101 The Parliamentary Group of National Minorities currently consists of one representative from each the following minority parties since December 2000:
Community of Lipovan Russians in Romania (CRLR)
Democratic Forum of Germans in Romania (FDGR)
Romas' Party (PR)
Union of Armenians in Romania (UAR)
Union of Bulgarians in Romania (UBBR)
Turkish Democratic Union of Romania (UDTR)
Democratic Union of Slovaks and Czechs in Romania (UDSCR)
Democratic Union of Turkish-Muslim Tartars in Romania (UDTTMR)
Hellenic Union of Romania (UER)
Union of Poles in Romania (UPR)
Union of Ukrainians in Romania (UUR)
Jew's Communities Federation in Romania (FCER)
Cultural Union of Rutens in Romania (UCRR)
Union of Croats in Romania (UCR)
Slav Macedonians Associations in Romania (AMSR)
Albanians League in Romania (LAR)
Italian Community in Romania (CIR)
Union of Serbs in Romania (USR)
[23b]

6.102 Romanian law protects the interests of national minorities in the legislative body. Article 59 (2) of the Constitution stipulates that in the Chamber of Deputies additional seats are allotted for associations representing national minorities that fail to pass the threshold for the normal distribution of mandates. These seats are in addition to the number of seats allocated to each constituency based on population figures. Minority representatives in the Chamber of Deputies play a significant role in post-election politics and as independents with no declared party affiliation, their votes can be pivotal especially when the party winning the largest number of seats only needs a few votes to ensure a majority in the Chamber. [106] (p.5)

6.103 Only one representative may be elected to represent any single national minority, even if more than one association representing that minority competes in the election (Law No. 68/1992). Shortly after the official electoral campaign began for the November 2000 elections, an Emergency Ordinance was adopted which liberalised the opportunity to win seats through the normal distribution by allowing the different associations representing the same national minority to run a common list of candidates in any or all constituencies. [106] (p.5)

6.104 The Council of Europe's Commissioner for Human Rights reporting on his visit to Romania (CE CHR 2002), 5-9 October 2002, that, 'a number of Romanian national institutions concern themselves with the protection of the rights of minorities. They include the Secretariat for Inter-ethnic Relations at the Ministry of Public Information (with three directorates, for Roma, the Hungarian minority and the German minority respectively), the Council for National Minorities composed of all the minorities with seats in Parliament and the Ombudsman. The Senate and the Chamber of Deputies each has a committee on human rights and minorities.' [11] (p.12)

6.105 The CE CHR 2002 further noted that, 'on the basis of the result of the 1992 census, the Romanian Government considers 17 minorities to be covered by framework convention on respect for national minorities, while 20 minority languages are recognised, with some of the minorities possessing schools. In addition, the Local Government Act authorises the official use of minority languages in areas where they are spoken by over 20 percent of the population.' [11] (p.12)

6.106 The State provides substantial support for the cultural life of national minorities. It is involved in financing the activities of cultural establishments (theatres, arts groups, museums, libraries, etc), and in publication of newspapers and books in minority languages and production of radio and television broadcasts in those languages. There are dozens of national and local publications in Hungarian, Turkish, German, Romany, Slovak and Czech, Serbian, Armenian, Bulgarian, Ukrainian and Russo-Lipovan. More than 20 publications in national minority languages are subsidised by the Council of National Minorities. In addition, there are daily radio and television broadcasts in Hungarian and German and weekly broadcasts in other languages on national radio, as well as weekly broadcasts from local stations. There are also twice-weekly broadcasts in Hungarian and German and broadcasts for other national minorities on the national and local television channels. [15a] (p.52-53)

6.107 The European Commission noted, in October 2002, that positive developments continued to take place with regard to the treatment of minorities. Legislation extending the use of minority languages was implemented relatively smoothly and important steps were taken to implement the National Strategy for Improving the Condition of Roma, with a view to addressing the difficult situation faced by the Roma community. Legislation was amended on the use of the national flag, anthem and coat of arms, in order to allow national minorities to use their own symbols at official gatherings. [3a] (p.35-36)

6.108 Slight increases were recorded during the 2001/02 school year in the number of mother-tongue educational units and the number of students being educated in their mother tongue. The Department for Inter-Ethnic Relations decided to finance the publication of textbooks for schools teaching through the medium of minority languages. [3a] (p.36)

6.109 Ethnic minorities are increasingly represented in civil society. The Department for Inter-Ethnic Relations of the Romanian government has provided financing for the publication of textbooks in minority languages. At present there are 102 groups dealing with minority issues. Of these, 60 promote the rights of Hungarians, the country's largest minority. [3b] (p.461)

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Ethnic Hungarians

6.110 Ethnic Hungarians, officially numbering more than 1.4 million, constitute the largest and most vocal minority. Their UDMR party is in a de facto political alliance with the ruling majority PSD Government and signed a protocol of co-operation with the PSD in February 2003. [2c] (p.14) UDMR-PSD co-operation helped facilitate the passage by Parliament of a law on local public administration in March 2001. The law provides for the use of the maternal language in administration in areas where a national minority represents over 20 percent of the local population, which applies almost exclusively to Hungarian communities. These provisions have met with resistance in some areas. [2b] (p.13)

6.111 Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. [2b] (p.13) The UDMR renewed their alliance with the ruling leftist party on 29 January 2002. The pact was sealed after Bucharest patched up disputes with Budapest over the controversial Status law granting rights to the Hungarian minority. [2d]

6.112 On 16 September 1996, the then Hungarian Prime Minister, Gyula Horn, and the then Romanian Prime Minister Nicolae Văcaroiu, signed a basic treaty in Timișoara, reflecting a compromise in the area of minority rights. Both countries pledged to treat their minorities fairly, according to European standards. [21a] (p.11) A government decree on Hungarian language minority education was enacted and came 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. [2a] (p.14) The EU Commission's report on Romania's Progress Towards Accession – 2002 (EU PTA 2002), notes that, 'The private Hungarian University, "Sapientia" functioned well and completed its first academic year in 2001/2002 with 450 students attending its courses.' [3a] (p.36)

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Lippovans

6.113 Romanian Lippovans are variously described as the descendants of Russians who moved to the Danube Delta in the 18th Century following reforms of the Russian Orthodox Church by Peter the Great. They are estimated to number around 40,000 persons. Research by the Council of Europe reports that the Lippovans are relatively integrated and have good relations with other ethnic groups. No were no reports of mistreatment or discrimination against Lippovan Romanians. [55] [56] (p.2)

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Roma

6.114 Romania is believed to have has the largest Roma population in Central and Eastern Europe [39] (p.68) According to the preliminary results of the census of March 2002, 2.5% of the total population were Roma. [1] (p.482) However, the actual number of Roma is probably much higher since, in census counts, most Roma tend to identify themselves with majority populations or more powerful ethnic minorities. [48] (p.1) The Roma population is estimated at between 1,800,000 and 2,500,000, although some Roma leaders claim it may well be as high as 3 million people. [3a] (p.35) Roma are divided into at least forty different groups including Ursari, Caldorari, Fierari, Grăstari, Lăutari, Spoiri, Rūdari, Boldeni, Argintari and Slătari. [15b] (p.15)

6.115 Roma are present in all regions of Romania and, according to the 1992 census, they are most numerous in Transylvania where the made up 2.8 percent of the population. [9] (p.11) However, due to community violence and ill treatment at the hands of the police, since 1990, many Roma have left their homes and moved to makeshift housing in other areas, for which they cannot procure residence permits. [9] (p.26) Approximately 60 percent of Romanian Roma speak some dialect of Romani. [9] (p.2) The majority of the Romani population practise the Orthodox religion whilst others are Catholic (4.7 percent) and Protestant (4.3 percent), depending on the area in which they are located and the dominant religion in that area. [9] (p.3) Figures provided by the Government show that, only 27 percent of Roma had steady jobs, and only half of those jobs were considered skilled. Literacy rates among older Roma (those over 45) were considered to be the lowest, with around 30% classed as illiterate. [2c] (p.14)

6.116 In October 2000, the UNHCR in "Roma Asylum Seekers, Refugees and Internally Displaced", stated that, 'whilst it is beyond dispute that Roma in Central and Eastern European countries are frequent victims of discrimination and, on

occasion victims of violence, conditions do not warrant the recognition of such asylum claims of a prima facie basis.' [8a] (p.2)

6.117 Discrimination against the Roma minority continues to be widespread in Romania society, and social inequalities to which the Roma community is exposed remain considerable. Living conditions are poor, access to social services remains limited and human rights organisations have received credible reports of police harassment. [3a] (p.35) Roma often are denied access to shops, restaurants, and other places. [2a] (p.13) Against this context, the European Commission considered that the Government has made steady progress in implementing 2001's National Strategy for Improving the Condition of Roma, which is explicitly aimed at addressing discrimination. [3a] (p.35-36)

6.118 The Strategy establishes measures for the improvement of Roma in many fields including the economic and housing situation for Roma and for fighting discrimination by means of creating specialised administrative structures. It also sets out measures for increasing civic participation of the Roma minority in public life. It operates both at central and local level in order to facilitate access of the Roma minority to a larger number of public services (health, justice, public order, education, social security and child protection) and to integrate Roma culture alongside the already established cultures in Romania. [13] (p.6)

6.119 The adoption of the Strategy was a real demonstration regarding the political commitment by the government, in making steps towards solving the Roma issue and assigning roles and responsibilities to various ministries and local public administrations. [3a] (p.36) The Strategy represents a new perspective for the public administration in terms of recognising and approaching the challenges of Roma minorities in Romania. The Strategy is the result of a joint effort of the Romanian Government and the representative organisations of the Roma community. [13] (p.6) The application of the programmes and projects laid down for the implementation of the strategy will be achieved in consultation with the Roma organisations' representatives. [23e] (p.3) One of the key features of the strategy is its decentralised nature. This is an important consideration since most of the public institutions covered by the strategy (e.g. education, police and hospitals) are managed at the local level. In order to implement the strategy local Roma offices, with staff, who are themselves Roma, are being set up in each county. [13] (p.4-6)

6.120 According to the Open Society Institute's EU Accession Monitoring Programme, the implementation of the Strategy remains at a very low level and that the Government has allocated little or no resources for Strategy implementation. In addition, a single political organisation (the Roma Social Democrat Party) has been accorded the right to appoint Roma experts, which the Society feels fails to tap into the diversity of the Roma political and non-governmental spheres. The Society believes that the Strategy does not address serious concerns relating to ethnically motivated violence by private and public actors. It does note that the Roma community generally approves of the content of the Strategy. [12] (p.523) Local Roma offices have been set up in every county and nearly 400 Roma experts have been hired to carry out the action plan for 2001-2004. [38] (p.481)

6.121 The European Commission noted, in October 2002, that the structures for the implementation of the Roma Strategy were progressively established. At country level, the Roma offices provided for in the strategy have become operational. The Roma Party has been the main interlocutor when making these appointments. [3a] (p.36)

6.122 At the national level, 15 commissions have been established in ministries or national agencies for the implementation of the Roma sector strategies. In addition to experts from the ministries, these commissions also include a member designated by Roma organisations. In the field of employment the Ministry of Labour and Social Solidarity has promoted Roma participation in labour market programmes. In additions, courts, for the first time, ruled against employers and newspapers for publishing discriminatory job vacancies. [3a] (p.36)

6.123 The World Bank considers that, over the least decade, significant efforts have been made by the state, political parties and non-governmental organisations towards improving the condition of Roma in Romania. While many of these efforts have been improvised and uncoordinated, there is evidence that efforts are beginning to draw on more than a decade of project learning and experience in order to implement a more coherent, systematic approach. [39] (p.88) The adoption of a Roma national strategy in 2001 committed the Romanian government to ensuring that necessary conditions were put in place to prevent societal and institutional discrimination and facilitate the promotion of equal opportunities and the improvement of living conditions. [48] (p.12)

6.124 A study published by the World Bank in 2003 called "Roma in an Expanding Europe" noted that, 'relationships between Roma and public officials are mixed depending largely upon individuals and circumstances. In some cases, Roma reported encountering sympathetic officials who recognise and attempt to accommodate the particular needs of Roma, but more often they reported encountering indifference, hostility, intolerance and corruption of officials who are already strained by inadequate resources.' [39] (p.87)

6.125 The Roma community's rights are represented by political parties. Numerous Roma political organisations have been created; many reflecting tribal or occupational interests. The Roma Party (Partidul Romilor) is an association which participated in the 1996 and 2000 elections, in competition with other Roma organisations. [15b] (p.18) It was able to gather enough votes to benefit from the affirmative action of electoral legislation and has one representative in Parliament, Nicolae Paun, following the November 2000 elections. Nicolae Paun is also the President of the Standing Committee for Human Rights, Cults and National Minority Issues in the Chamber of Deputies. [23a] (p.1) He is not the only representative of Roma origin in the Romanian Parliament. Many more were elected not on an ethnic ticket but as members of a non-ethnic political party. Unirea Romilor, the Roma' Unity Party, is an association which participated in the June 1996 elections and gained 0.58 per cent of the vote which was not sufficient to be represented in Parliament. [15b] (p.17-18)

6.126 Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organisation, or party. There are two Romani parliamentarians; the former Romani minority representative joined the PSD and sits in the legislature, and there is one seat provided for Roma by the Constitution and electoral legislation. [2a] (p.9)

6.127 Living standards for Roma communities are generally low with a lack of hygiene facilities and awareness leading to the spread of diseases and a high infant mortality rate. The average marriage age remains far lower than that of the majority population which not only cuts childhood short, but also leads to an inevitable increase in the size of family groups, worsening the problems of poverty. [3] (p.11) Roma life expectancy is significantly lower than that of the non-Roma population. [39] (p.80) Some estimates of Roma life expectancy is as much as 10 years less than that of the majority population. [47] (p.1) Child mortality and fertility rates are much higher in Roma communities. [39] (p.80)

6.128 Conditions in Roma neighbourhoods are frequently poor with problems of extreme overcrowding and a lack of social services. Lack of access to utilities, such as water, gas, electricity and public services such as waste collection is a significant problem in many neighbourhoods. Social assistance cash benefits are an important source of income for many poor Roma families but because of the deep fiscal crisis of the transition period, the availability of social assistance benefits has been severely restricted throughout Romania. Alongside the budgetary constraints, the transfer of responsibility for delivering social assistance benefits to local governments has left benefits unpaid in many of the poorest areas. [39] (p.75 & 83)

6.129 A partnership protocol, signed by the Minister of Health and the representative for Roma in the Parliament in April 2001, lays out co-operative measures between the Health Ministry and the Romani Party in order to ensure that Roma have access to health care. This protocol helped resolve most complaints of discrimination against Roma in the health system and sponsored several vaccination campaigns for Roma children. [2a] (p.14)

6.130 The Romanian Government adopted the Agreement on the implementation of the Health Mediator System in Roma Communities, on 12 September 2001. The agreement provides for provisions between the Ministry of Health and Family and the non-governmental organisation Romani CRISS, Roma Centre for Social Intervention and Studies, in order to accomplish the tasks laid down in the government strategy above. The Agreement provides for the training of health mediators through the Public Health Directors as well as analysing the conflict situations officially drawn up by the local public health authorities in order to 'respect the leading principles' of the National Strategy for the Improvement of Roma. In addition, Romani CRISS will participate as a permanent consultant with veto rights to the sessions of the Ministry Commission on Roma and the Ministry of Health and the Family. [23f]

6.131 The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities considers that acts of police

violence against Roma appears to be decreasing and that the Romanian authorities should step up their efforts to ensure that this trend continues. In spite of this progress, however, the Advisory Committee noted, like other international bodies, that members of the Roma community are still, proportionally, exposed to police brutality far more often than members of other minorities or the majority. [24c] (p.11) Amnesty International alleges that many of the victims of torture and ill-treatment are of Romani ethnic background. [6c]

6.132 The United Nations notes that as a result of democratic reforms, the political and cultural rights of the Roma are better protected. By co-operating with the Roma associations, the Romanian General Inspectorate of Police developed a programme in 1999 to improve relations between Roma and the police and to enhance the capacity of the police to respond effectively in situations of tensions between Roma and non-Romani communities. [15b] (p.29) A hallmark of the programme is to develop regular meetings between police and representatives of Roma, as well as non-Romani communities, at both national and local level. [16a] (p.2) Agreement was reached, in 2001, with the Ministry of the Interior to employ 100 policemen from Roma communities during the course of 2002. [3a] (p.36)

6.133 The Romanian government organised a number of educational initiatives aimed specifically at Roma children. The "Second Chance" project was initiated in 1999 in collaboration with the Centre for Education 2000. Second Chance offers young Roma who previously had dropped out of education the opportunity to return to studies and complete the school graduation exam, facilitating access to the labour market. By the end of 2001 the project had been implemented in eleven schools in six counties, with 300 students enrolled in the programs. The Government announced an extension to the project with funding for 2002-2004 totalling 8.3 million Euros. In addition, the Ministry of Education reserved a limited number of places for Roma in high schools, vocational schools, teacher training colleges, and universities. To help poorer families (including Roma) the Government introduced a new initiative which provides free school supplies and snacks to specific categories of children. [39] (p.78)

6.134 Roma children often experience discrimination and exclusion when accessing state education. It is reported that many Roma parents keep their children away from school because of the fear of prejudice and a lack of acceptance in regular schools. Some reports detail overt discrimination, such as teachers only providing help to non-Roma children, through to reports of violence and abuse directed at Roma children. [39] (p.80) Roma Rights, a NGO organisation, claimed that Roma children were often educated in segregated schools. The schools had substandard facilities and failed to provide children with the necessary skills for advancement to higher levels of education. [48] (p.10)

6.135 On 20 September 2002, the Romanian government launched the National Antipoverty and Social Inclusion Promotion Plan, providing for a systematic approach to the issue of poverty. The plan has eight components aimed at resolving issues concerning "labour occupancy", education, health, education, housing, children, youth, the handicapped and Romany rights. [35b]

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Csángos (Ceangăi)

6.136 The Csango minority are a non-homogenous group of between 60,000 and 70,000 Roman Catholic people living in the north-east of Romania. [3a] (p.36) This ethnic group is a branch of ethnic Hungarians, who settled in the area of the Trotus, Bistrita and Siret Valleys of North Eastern Romania in the 15th century. [4]

6.137 Many of the Csangos speak a form of Hungarian that appears to have been isolated from the Hungarian language for centuries, although those Csangos that speak the language can understand modern Hungarian. The Csangos demands are based around the safeguarding of their language through its teaching in schools and the provision of church services held in their mother tongue. [24a] (p.2)

6.138 The European Commission, in its Accession Report of October 2002, noted no progress in the previous 12 months with regard to the Csango. There were continued reports from NGO's, such as the Helsinki Committee, that certain local authorities have obstructed attempts by Csango to be taught the Hungarian language as an optional language. [3a] (p.36) [7a] (p.261 – 262) [20b] (p.2)

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Homosexuals

6.139 Parliament confirmed the decriminalisation of homosexuality during 2002 (the measure was originally introduced by Emergency Ordinance in 2001) and ensured that sexual offences are now governed by the same legislation irrespective of sexual orientation. [3a] (p.33)

6.140 On 14 January 2002, the Romanian President promulgated Government Emergency Ordinance 89/2001, which repealed Article 200 of the Romanian Penal Code. Article 200, introduced by Nicolae Ceausescu in 1968, punished consensual same sex relationships. [19] (p.1)

6.141 Homosexuality in the armed forces would be treated in accordance with the revised Penal Code. Any legal proceedings would come under the jurisdiction of the Military Court in Bucharest. [4e] (p.1)

6.142 ACCEPT, the main NGO dealing with sexual minority rights in Romania, was formed in 1994, and officially registered in 1996, with the aim of working towards the acceptance in Romanian society of all individuals, regardless of their sexual orientation. It is the main non-governmental organisation dealing with sexual minorities' rights in Romania and issues a monthly newsletter. ACCEPT organised the annual meeting of the International Gay and Lesbian Association, in Bucharest in October 2000, at which the Romanian police offered to protect participants. There are two 'gay friendly' bars in Bucharest, frequented by homosexuals without interference from the police. [14] (p.1&4)

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6.C Human Rights – Other Issues

Organised Crime / Corruption

6.143 The European Commission Accession Report of October 2002, noted that corruption remains a common aspect of commercial operations but is also widely reported in dealings with public bodies as well as at the political level. Independent observers claimed that they had seen no noticeable reduction of corruption, during the twelve months prior to the report. A total of 343 persons were convicted for corruption in 2001, marginally more than in 2000 but less than in 1999. [3a] (p.26) Freedom House noted in 2003 that corruption remains a serious problem with most anti-corruption measures having little practical effect. [3a] (p.493)

6.144 The National Plan for the Prevention of Corruption was adopted in October 2001, along with the National Programme for the Prevention of Corruption. The two instruments establish target dates for the ratification of international legal instruments related to fighting corruption, aim to complete the existing legal framework, set out plans for elaborating sectoral strategies for fighting corruption, and promote Romania's active participation in international anti-corruption programmes. The European Commission considers these to be important developments. [3a] (p.27)

6.145 The National Anti-Corruption Prosecutor's Office (NAPO) became operational in September 2002. This new body replaced the existing anti-corruption section of the General Prosecutor's Office, which never became fully functional due to a lack of staff and equipment. The National Office only investigates corruption cases involving sums over 100,000 euros and relating to high-ranking officials. NAPO also has regional branches attached to each of the 15 Courts of Appeal. These branches handle corruption cases that fall outside NAPO's competence. Countrywide and when fully staffed, NAPO will have 75 prosecutors, 150 judicial police officers, 35 financial experts, 50 auxiliaries and 10 administrative positions. [3a] (p.36)

6.146 Other institutional changes took place in 2002. The Council of Europe's Civil Law Convention on Corruption was ratified in April 2002, the Criminal Law Convention on Corruption in July 2002, and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime in August 2002. In October 2001, a law on free access to information of public interest was adopted. This law should play a major role in increasing transparency and thereby reducing corruption – although implementation has proved to be slow and inconsistent. [3a] (p.36)

6.147 In February 2003, the Head of the General Department of Fighting Organised Crime and Anti-drug (DGCCOA) announced that the department would be re-organised and its forces doubled within a year. The reorganisation is due to take place after 1 March 2003, when Law 39/2003 becomes effective, enclosing regulations for the organisation and functioning of the DGCCOA for fighting organised crime. The DGCCOA will employ over 900 policemen working within the structure. [29a]

6.148 On 8 July 2003, Alexandru Chiciu, chief-prosecutor at the Corruption Fighting section within the National Anti-Corruption Prosecuting Magistracy (PNA) said that corruption is not a generalised phenomenon in Romania, even though it is seen as being very much spread out among the present society. He listed the main fraud phenomenon as lying within such areas as VAT repayment, customs frauds and tax evasion. The PNA made has made over 1,500 Penal Cases, in which 150 individuals were tried with the recovered money exceeding 1 trillion lei. He offered the opinion that to reduce corruption it is necessary to decrease the role of the state, increase the institutional transparency and to make public servants be interested in fighting corruption. [29b]

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Treatment of Non-Governmental Organisations (NGO's)

6.149 Domestic human rights monitoring groups included APADOR-CH, the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and Romani CRISS. Other groups, such as political parties and trade unions, also monitored the observance of human rights. These groups, as well as international human rights organisations, functioned freely without government interference. International human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally co-operative and responsive to NGOs. [2c] (p.11)

6.150 The Government generally co-operates 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 Ministry of the Interior, 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. [2b] (p.11)

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ANNEX A

CHRONOLOGY OF EVENTS

1939

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

1944

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

1946

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

1947

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

1948

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

1952

A new constitution was adopted, closer to the Soviet model.

1965

Nicolae Ceaușescu became First Secretary of the Romanian Workers' Party, changed to the Romanian Communist Party (RCP) in June 1965.

August: The country became the Socialist Republic of Romania.

1984

October: A declaration of a state of emergency in the electricity power industry.

1987

There was widespread public discontent following strict energy rationing

November: Thousands of people marched through the city of Brașov and stormed the local RCP headquarters.

1989

December 1989: There was unrest in Timișoara. Security forces opened fire on the crowd, reportedly killing several hundred people.

21 December 1989: President Ceaușescu attended a mass rally in Bucharest, which ended up in clashes between protesters and Securitate forces. On 22 December 1989 Ceaușescu declared a state of emergency; however, soldiers of the regular army declared their support for the protestors.

25 December 1989: Ceaușescu and his wife were executed by firing squad.

1990

January 1990: The army restored order and the Securitate was abolished. Special military tribunals were established to try Ceaușescu's former associates.

March 1990: Ethnic Hungarians, demonstrating to increase their cultural and linguistic autonomy, were attacked by Romanian nationalists in Târgu Mureș.

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

June 1990: Unrest continued after the elections. Jiu Valley miners forcibly broke up protests.

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

1991

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

September 1991: The Prime Minister, Petre Roman, and the Council of Ministers were forced to resign following violent disturbances by Jiu Valley miners.

November 1991: A new Constitution was approved by the legislature.

1992

27 September 1992: Legislative and presidential elections took place. DNSF became the largest party in the new parliament.

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

October 1992: Ion Iliescu won the presidential elections.

1993

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

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

1994

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

July 1994: Ethnic Hungarian tensions in Cluj-Napoca.

1995

May 1995: Romanian ratified the Council of Europe's Framework Convention on the General Protection of National Minorities.

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

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

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

1996

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

3 November 1996: Legislative and presidential elections. DCR won largest number of seats. Victor Ciorbea became Prime Minister and formed a coalition government. Emil Constantinescu was elected President.

1997

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

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

March 1997: The Ombudsman Office was established.

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

The European Commission ruled that Romania fulfilled the Copenhagen political criteria guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

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

1998

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

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

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

April 1998: Radu Vasile, secretary general of the National Peasants Party, was elected Prime Minister.

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

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

1999

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

February 1999: Cozma was arrested prompting violent clashes with riot police in Stoenesti.

April 1999: Romania joined NATO's Membership Action Plan.

December 1999: The President dismissed Radu Vasile as Prime Minister, and appointed the Mugur Isarescu as Prime Minister. The majority of the previous Cabinet retained their positions in the new government.

2000

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

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

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

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

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

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

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

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

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

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

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

December 2000: The government approved the National Action Plan Regarding Equal Opportunities for Men and Women.

2001

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

7 February 2001: The Property Restitution Law was promulgated.

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

March 2001: Romanians were allowed access to the secret files kept on them compiled by the Securitate under the Communist regime.

13 March 2001: The Local Public Administration Bill was passed.

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

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

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

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

October 2001: Romania signed a standby agreement with the International Monetary Fund

October 2001: The National Programme for Corruption Prevention and the National Plan for Action against Corruption were adopted.

November 2001: Legislation prohibiting and punishing human trafficking was passed.

December 2001: Romania and Hungary reach a memorandum of understanding on the Hungarian Status Law, which was implemented on 1 January 2002. All Romanian citizens, regardless of ethnicity are entitled to a short work permit for Hungary.

2002

February 2002: The Law on the Protection of Classified Information was passed by the Chamber of Deputies.

March 2002: The Senate ratified the Council of Europe's Criminal and Civil Law Conventions on Corruption.

November 2002: Romania is formally invited to join NATO at the Prague Summit.

2003

17 June 2003: The Presidents of Romania and Ukraine signed an accord confirming their mutual land border, as it was delineated in 1961, with the exception of the disputed border along the Black Sea.

4 July 2003: President Iliescu and President Vladimir Putin of Russia signed a Treaty on Friendly Relations and Cooperation, on which negotiations had begun in 1992 (leaving the contentious issue of the repatriation of Romanian gold and cultural items confiscated by the USSR for resolution by a separate joint commission).

27 September 2003: There was international outrage when Ana-Maria Cioaba, reportedly aged 12-14, was reluctantly married to 15 year old Birta Mihal. Ana-Maria, daughter of self proclaimed Roma King, Florin Cioaba, was betrothed to Birta at the age of seven. International condemnation followed allegations that Ana-Maria was forced to consummate the marriage shortly after the wedding ceremony.

October 2003: In a referendum, Romanians voted to adopt a new constitution bringing their country further into line with members of the European Union.

Three government ministers resign following corruption allegations.

2004

13 January 2004: Romanian parliament agreed that parliamentary and presidential elections would take place on 28 November 2004.

18 March 2004: Romanian press monitoring agency, Academia Catavencu, reported a "worrying" increase in the amount of recorded violence against journalists during 2003. 16 cases were reported during 2003 as opposed to just 1 case during 2000 – 2002.

29 March 2004: Romania formally became a member of NATO. A flag raising ceremony in Washington marked its accession to NATO.

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POLITICAL ORGANISATIONS

Christian Democratic National Peasants' Party of Romania - CDNPP (Partidul Național Țărănesc Creștin-Democrat din România - PNȚCD).

Founded 1989 by merger of centre-right Christian Democratic Party and traditional National Peasant Party (f. 1869, banned 1947, revived December 1989; original party re-established in August 1990 by separate group); supports pluralist democracy and the restoration of peasant property; 615,000 members.

Chair.: Victor Ciorbea

Civic Alliance (Alianța Civică)

Founded 1999 as an alliance of opposition groupings outside legislature.

Chair.: Ana Blandiana

Democratic Alliance of Hungarians in Romania - DAHR (Uniunea Democrată Maghiară din România - UDMR).

Founded 1990; supports the rights of Hungarians in Romania.

Pres.: Béla Markó. Exec. Pres.: Csaba Takács.

Democratic Alliance Party

Founded 1995; supports the rights of Gypsies in Romania.

Leader: Florin Cioabă

Democratic Convention of Romania 2000 - DCR

Alliance of 5 centre-right parties and other organisations formed to contest the legislative election of November 2000.

Pres.: Ion Diaconescu

Democratic Party (DP).

Founded 1993; formerly Democratic Party - National Salvation Front; centre-left.

Pres.: Traian Bășescu Sec.-Gen.: Vasile Blaga.

Greater Romania Party - GRP (Partidul România Mare- PRM).

Nationalist.

Chair.: Corneliu Vadim Tudor. Sec.-Gen.: Gheorghe Funar.

Humanist Party of Romania

Formed in 1991.

Pres.: Dan Voiculescu.

**Liberal Monarchist Party of Romania
(Partidul Liberal Monarhist din România).**

Founded 1990; advocates the restoration of the monarchy;

Pres.: Dan Cernovodeanu.

**National Liberal Party – NLP
(Partidul Național Liberal - PNL).**

Founded 1869; merged with Socialist Liberal Party in 1990, and with Party of the Civic Alliance and Liberal Party of Romania in 1998. Absorbed Alliance for Romania (AFR) in 2002 and the Union for Right-Wing Forces in 2003. Advocates separation of powers in the State, restoration of democracy, freedom of expression and religion, observance of the equal rights of all minorities, the abolition of collectivisation and nationalisation in agriculture, the gradual privatisation of enterprises, trade union freedom and the right to strike.

Chair: Theodor Stolojan

Patriotic Party of Reconciliation - PPR.

Formed in 1998. Centre-right.

Leader: Prince Paul of Romania.

Popular Christian Party (PCC).

Founded in December 2001, by dissident members of the CDNPP. Centre-right reformist party.

Romanian Communist Party.

Formerly the Romanian Workers' Party; founded in 1995 and renamed in 1997.

Leader: Cristian Ion Niculae.

**Romanian Ecological Movement
(Mișcarea Ecologistă din România).**

Founded in 1990; advocates protection of the environment and the pursuit of democratic, pacifist and humanist values;

Chair. Toma George Maiorescu.

Romanian People's Party

Founded in 2000; far-right.

Pres.: Radu Vasile

Social Democratic Party - PSD (Partidul Social Democrat - PSD)

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

The PDSR was founded 1992 (as National Salvation Front - 22 December, later known as the Democratic National Salvation Front) by supporters of Ion Iliescu, following a split in the National Salvation Front (f.1989). It was renamed as PDSR in July 1993; merged with the Democratic Co-operationist Party, the Republican Party; merged with the Social Solidarity Party in 1995; absorbed the Party of Moldovans in 2002; a merger with the Socialist Labour Party and the Socialist Party of National Revival was due to be completed in September 2003.

Chair.: Adrian Năstase

Traditional National Liberal Party - PNL-T

Founded 2000. Previously known as the PNL-Bratianus; part of Romanian Democratic Convention 2000.

Leader: Decebel Traian Remes.

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ANNEX C

PROMINENT PEOPLE

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

Traian BASESCU: Mayor of Bucharest and leader of the Democratic Party.

King CAROL II: King of Romania until September 1940, when he abdicated in favour of his young son, Mihail. However, until 1944, power was in the hands of the Prime Minister, Antonescu. In February 2003, fifty years after his death, his remains were repatriated from Portugal and re-buried in the town of Curtea de Arges.

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

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

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

Miron COZMA: Leader of Romania's miners' union. Led violent attacks by miners and Securitate against anti-government demonstrators in 1990 and effectively brought down Prime Minister Petre Roman in September 1991. Brought to trial in 1997 but released. Led further violent miners' protests in late December 1998, January and February 1999 until he was imprisoned. In June 2002, he was sentenced to an additional 12 years in prison for his role in the 1991 clashes in Stoneşti.

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

Mircea GEOANA: Foreign Minister since January 2001. Former Ambassador to Washington, D.C.

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

Ion ILIESCU: Successfully elected as President in November 2000 elections. He succeeded Nicolae Ceauşescu as President in 1990. President between 1990 and 1996. He joined the Communist Party at 14 and became Minister of Youth and First Secretary of the Party's Central Committee in 1967. In 1971, he was reassigned as a provincial party secretary following his refusal to back Ceausescu's 'cultural revolution' plans.

Mugur ISARESCU: Prime Minister from December 1999 – November 2000. Has returned to his former position as Governor of the National Bank of Romania (NBR).

King MIHAI (MICHAEL): Acceded to the throne for the second time in 1940. Overthrew Antonescu regime in 1944 and sued for peace with Allies. Removed by communists in 1947. After reconciliation with President Iliescu he now divides time between Switzerland and Romania and is acting as ambassador for Romania's NATO accession.

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

Petre ROMAN: Reform-minded Prime Minister under Iliescu's early presidency.

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

Corneliu Vadim TUDOR: Leader of extreme nationalist Greater Romania Party (GRP) which became the second largest party in parliament following the November 2000 elections. Advocates anti-Semitic and anti-Hungarian policies.

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