

**COUNTRY ASSESSMENT:  
ROMANIA**

**October 2000  
Country Information and Policy Unit**

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## **I. INTRODUCTION**

### **A. Scope of the Document:**

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment 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.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed at [http://www.homeoffice.gov.uk/ind/asylum/asylum\\_contents02.html](http://www.homeoffice.gov.uk/ind/asylum/asylum_contents02.html) on the Internet. An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK  
Immigration Advisory Service

Immigration Appellate Authority  
Immigration Law Practitioners' Association  
Joint Council for the Welfare of Immigrants  
JUSTICE  
Medical Foundation for the Care of Victims of Torture  
Refugee Council  
Refugee Legal Centre  
UN High Commissioner for Refugees

## **II. GEOGRAPHY**

### **A. Location of Romania:**

2.1 Romania (formerly the Socialist Republic of Romania) lies in south-eastern Europe, bounded to the north and east by Ukraine, to the north-east by Moldova, to the north-west by Hungary, to the south-west by Yugoslavia (Serbia) and to the south by Bulgaria. The Black Sea washes the south-east coast. Romania's population was estimated at 22.4 million in January 2000. The capital city is Bucharest, which is situated in the south of the country close to the border with Bulgaria. The city of Bucharest has a population of over two million, and is much larger than Romania's other cities. Constanța on the east coast is the next largest city with an estimated population of 345,000. Romania's official language is Romanian, although minority groups speak Hungarian (Magyar), German and other languages. [1]

## **III. HISTORY**

### **A. Recent Political History:**

3.1 Formerly part of Turkey's Ottoman Empire, Romania became an independent kingdom in 1881. Romania entered the Second World War as an ally of Nazi Germany, but Soviet forces entered Romania in 1944 and put pressure on King Michael to accept the appointment of a communist-led coalition Government in March 1945. At elections in November 1946 a communist-dominated bloc claimed 89% of the votes cast, but the results were widely believed to have been fraudulent. In 1947 the small Romanian Communist Party (RCP), led by Gheorghe Gheorghiu-Dej, merged with the Social Democratic Party to become the Romanian Workers' Party (RWP). King Michael was forced to abdicate on 30 December 1947, when the Romanian People's Republic was proclaimed. [1]

3.2 In 1948 the Republic's first Constitution was adopted. In 1949 private landholdings were expropriated and amalgamated into state and collective farms. The implementation of Soviet-style economic policies was accompanied by numerous arrests of non-communists and the establishment of full political control by the RWP. [1]

3.3 Gheorghiu-Dej died in 1965; he was succeeded as First Secretary of the RWP by Nicolae Ceaușescu, a Secretary of the RWP Central Committee since 1954. In June 1965 the RWP again became the RCP, while Ceaușescu's post of First Secretary was restyled General Secretary. A new Constitution, adopted in August 1965, changed the country's name to the Socialist Republic of Romania. [1]

3.4 Ceaușescu continued his predecessor's relatively independent foreign policy, criticising the invasion of Czechoslovakia by troops of the Warsaw Pact (the former defence grouping of the Soviet bloc) in 1968, and establishing links with Western states and institutions. However, the use of foreign loans for investment in industry and infrastructure led to serious indebtedness, and by the early 1980s the country was experiencing severe economic problems. In order to strengthen his own position as the economic situation deteriorated, Ceaușescu (who had become President of the Republic in 1974) implemented frequent personnel changes in the RCP leadership and the Government. In March 1980 the President's wife, Elena Ceaușescu, became a First Deputy Chairman of the Council of Ministers, and numerous other family members held government and party posts. [1]

3.5 Shortages of fuel and power led to strict energy rationing in early 1987. The situation was exacerbated by adverse weather conditions, and public discontent became evident. Anti-Government leaflets were reported to be in circulation, and a number of strikes, to protest against food shortages and delays in the payment of wages, were organised in provincial factories. In March 1987 certain vital factories and mines were reportedly placed under military supervision to forestall the threat of further labour unrest. In November thousands of people marched through the city of Brașov and stormed the local RCP headquarters, protesting against the decline in living standards and in working conditions. Hundreds of arrests were made when the demonstration was broken up by the authorities. [1]

3.6 President Ceaușescu announced improvements in food supplies and increases in wages but continued to oppose any reform of the system. To mark his 70th birthday in January 1988, Ceaușescu granted an amnesty for certain prisoners. In March he announced details of a rural urbanisation programme, to entail the demolition of some 8,000 villages, located mainly in Transylvania, and the resettlement of their residents (mostly ethnic Hungarians) in multi-storey housing complexes, which were to form part of new 'agro-industrial centres.' The plan attracted much domestic and international criticism, but Ceaușescu maintained that the programme would raise living standards and ensure social equality. [1]

3.7 In December 1989 there was unrest in Timișoara as 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. A further protest, at which considerable criticism of the regime was expressed, was attended by thousands of local residents. Security forces opened fire on the crowd, reportedly killing several hundred people. There were reports of protests in other towns, and the country's borders were closed. [1]

3.8 On 21 December 1989 a mass rally was organised in Bucharest, intended to demonstrate popular support for the President Ceaușescu. Anti-Government demonstrations followed later in the day, leading to clashes between protesters and members of the Securitate (the secret police force), during which many civilians were killed. The disturbances quickly spread to other parts of the country, and on the following day Ceaușescu declared a state of emergency. However, soldiers of the regular army declared their support for the protesters. Nicolae and Elena Ceaușescu escaped by helicopter but were captured near Târgoviste, and on 25 December, after a summary trial, were executed by firing squad. Fighting continued in Bucharest and elsewhere for several days, mainly between Securitate forces and regular soldiers. [1]

3.9 Meanwhile, a revolutionary, 145-member National Salvation Front (NSF) was formed, and a provisional Government, comprising liberal communists, intellectuals and members of the armed forces, was established. Ion Iliescu, a former Secretary of the RCP Central Committee, became interim President, while Petre Roman, an academic, 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. It was announced that free elections would be held in 1990, and the designation of the Socialist Republic was abandoned. By early January 1990 the army had restored order, and the Securitate was abolished. According to official figures, 689 people were killed during the revolution. [1]

3.10 Special military tribunals were established to try Ceaușescu's former associates. In February 1990 four senior RCP officials were found guilty of responsibility for the shootings in Timișoara and Bucharest and were sentenced to life imprisonment. In July 1999, two Romanian army generals were sentenced to 15 years in prison for their role in trying to suppress the 1989 revolution. [14(a)]

3.11 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, Iliescu won 85.7% of the valid votes cast in the presidential poll. In the elections to the bicameral legislature, the NSF won 65% of the votes cast, securing 263 of the 387 seats in the Chamber of Deputies and 91 of the 119 seats in the Senate. [1]

3.12 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 through which the whole nation was informed of both the sacrifices of the revolution and the hopes of those who carried it out in Timișoara, was read to more than 15,000 participants. The Proclamation demonstrated a political maturity, and commitment to democratic values. In the run-up to the elections it became a rallying-point for Romanians dissatisfied with the conduct of the National Salvation Front, and attracted millions of signatures. [17]

3.13 Unrest continued after the elections, and in mid-June 1990, after seven weeks of occupation, the anti-Communist protest in University Square was forcibly broken up by police. The brutal treatment of the demonstrators provoked renewed clashes, in which the armed forces opened fire on rioters. Following an appeal for support by Iliescu, some 7,000 miners and other workers from the Jiu Valley travelled to the capital, where they swiftly 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. Following President Iliescu's inauguration, in late June, Roman was re-appointed Prime Minister, and a new Council of Ministers was formed, in which nearly all the members of the interim administration were replaced. [1]

3.14 In September 1991 miners in the Jiu Valley, by now opposed to President Iliescu, began a strike in support of demands for pay increases, a 'freeze' on prices and the resignation of the Government. Thousands of miners travelled to Bucharest, attacked government offices and ransacked the parliament building. Four people were killed and hundreds injured during the violence, as a result of which Roman and the Council of Ministers were forced to resign. Theodor Stolojan, a former Minister of Finance, replaced the outgoing Prime Minister. In

October Stolojan formed a coalition Government, comprising members of the NSF, the NLP, the Agrarian Democratic Party of Romania (ADPR) and the Romanian Ecological Movement. **[1]**

3.15 A new Constitution, enshrining a multi-party system, a free market economy and guarantees of the respect of human rights, was approved by the legislature in November 1991 and was endorsed by some 77.3% of voters in a referendum in December. **[1]**

3.16 Presidential and Parliamentary elections in November 1996 resulted in a victory for the Democratic Convention under Emil Constantinescu, who replaced Ion Illiescu as President. **[1]** (Please see also Section IV.B on the 1996 elections)

3.17 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. **[5(p)]**

3.18 The announcement of plans to close 17 unprofitable state-owned enterprises, which would have resulted in the loss of more than 29,000 jobs, prompted severe labour unrest in August 1997 which continued in the following months. **[1]**

3.19 Despite protests from opposition parties, the Government restored citizenship to former King Michael (who had been forced to abdicate in 1947); he visited Romania in late February 1997. On 30 December 1997, the then Prime Minister Victor Ciorbea stated that the former king's nationality, citizenship and his right to take up residence in Romania, provided that he observed the Constitution, could not be denied. President Constantinescu declared that he would not, however, accept any attempt to put the former king back on the throne. **[1] [19(b)] [19(c)]**

3.20 Disagreements between the Democratic Convention and the Social Democrats were present from the beginning of the coalition, culminating in the resignation of Victor Ciorbea as Prime Minister in March 1998. Ciorbea was succeeded by the economist Radu Vasile, the Secretary General of the Christian Democratic Party. **[5(o)]**

3.21 On 4 September 1998, President Emil Constantinescu urged politicians in the coalition government to find common ground to advance market reforms and prevent a new outbreak of rifts, like those which paralysed the government earlier in 1998. In late September, the Union of Democratic Magyars (UDMR) threatened to withdraw from the coalition government in protest against the Government's refusal to establish a Hungarian-language university. **[3(a)] [6(i)]**

3.22 Thousands of miners went on strike in the Jiu Valley (Valea Jiului), in January 1999, in support of demands which included an increase in pay and the reversal of a government decision to close two mines. It escalated when Prime Minister Vasile refused to negotiate with the miners' leader, Miron Cozma. Cozma had been released from prison in July 1998, after having served 18 months for the possession of firearms and ammunition. Violent clashes broke out in Costesti, north of Bucharest, between security forces and miners, leading to emergency talks and a temporary agreement which met some of the miners demands. **[1]**

3.23 On 15 February 1999 the Supreme Court of Justice sentenced Cozma, in absentia, to 18 years' imprisonment for undermining state authority. 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 agreement. They were stopped by the security forces at Stonești, north of Bucharest, where more than 100 people were injured and one miner died during the ensuing violence. Cozma and several hundred miners were arrested. On 4 March 1999, Cozma was given a 22-month jail sentence on charges linked to a fight in a bar and the beating up of a journalist. **[1] [6(j)]**

3.24 In April 1999 Romania approved a NATO request for unrestricted access to its airspace, following the NATO campaign of air strikes against Serb military and strategic targets in Yugoslavia. Romania was not to become militarily involved in the conflict. **[1]**

3.25 In December 1999 President Constantinescu dismissed Radu Vasile, in a highly controversial exercise of his constitutional powers, and nominated Mugur Isaescu, the former Governor of the National Bank of Romania (the central bank) as the new Prime Minister. Isaescu claims allegiance to no political party. The legislature approved the appointment of Isaescu and his Cabinet. The majority of the previous Cabinet retained their positions in the new government. Isaescu stated that his priority would be economic reform, and he targeted economic growth of 1.3% in 2000, inflation of 25-30%, and a fiscal deficit of 3%. **[15(b)] [5(o)]**

3.26 In February 2000, the President of Romania hosted a summit meeting of the South East European Co-operation Process, attended by the heads of state of Albania, Bulgaria, Greece, the former Yugoslav republic of Macedonia and Turkey. The participants signed a charter on good neighbourly relations, stability, security and co-operation in southeastern Europe. **[1]**

3.27 The parliamentary constituent parties of the DCR (the CDNRR, the NLP, the Romanian Ecological Party and the Romanian Ecological Federation – REF) signed a protocol, in February 2000, on co-operation in legislative elections due later in the year. The PSDR formed an electoral alliance with the Romanian Humanist Party. **[1]**

3.28 The largest investment fund in Romania, the Fondul National de Investitii, suspended operations on 25 May 2000, after it was unable to meet refunding demands. Widespread public protests followed. The former head of National Securities Commission was arrested on charges of abuse of his position within the Commission with regard to the fund. **[1]**

3.29 Military prosecutors put before the Supreme Court of Justice a file, in June 2000, accusing General Mihai Chitac, the then Romania's Interior Minister, and his deputy Gheorghe Ancuta of instigation to murder during the 1990 violence. Three other officers are accused of killing six people. Prosecutors also started the penal investigation for the count of inhuman treatment and undermining the power of the state. The file contains the 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. **[24(m)]**

3.30 President Emil Constantinescu announced, in July 2000, that he would not stand as a candidate for a new mandate. In a TV broadcast, the head of the State declared that he had taken this decision so not to be accused that the ongoing anti-corruption campaign, which he was so determined to expand over the next few days, had something to do with politics. He



believed that seats in Parliament and Government are usually negotiated in exchange for money and that he would not take part in such “haggling”. [33]

3.31 The presidential and parliamentary electoral campaign officially began on 12 October 2000. Voting is to take place on 26 November. Commentators see the four leading contenders in the presidential contest as Ion Iliescu of the Party for Social Democracy in Romania, Theodor Stoljan of the National Liberal Party, Corneliu Vadim Tudor of the Greater Romanian Party and the independent candidate Mugur Isarescu. Isarescu is to have no party allegiance. He is standing on a platform that promises to maintain Romania’s economic recovery and to continue to seek integration into the Euro-Atlantic institutions. [31]

3.32 The present ruling coalition, the Democratic Convention of Romania (CDR), will not take part in the November 2000 elections. Disagreements have led to its dissolution. A new coalition called CDR 2000 has been formed. It will be composed of the PNTCD, the Romanian Ecological Federation, the Union of Rightist Forces, and the Christian Democratic National Alliance. The alliance is seen to be one of the key challengers to PDSR. [31]

## **B. Economic History:**

3.33 Following the overthrow of President Ceaușescu in 1989, a complete restructuring of Romania's economy was planned with emphasis on the role of market forces and private ownership. In late 1991 a unified exchange rate was introduced and internal convertibility was established. [1]

3.34 In early 1993, the then government announced a four-year economic reform programme, supported by the International Monetary Fund (IMF). By late 1995 Romania's economic situation appeared to have improved, although austerity measures had led to widespread unrest. In 1996, economic performance deteriorated, with a considerable increase in the rate of inflation, and the current account deficit, and rising expenditure on imports as a result of devaluation of the leu. The new government in 1996 promised to implement comprehensive reforms, but disagreements within the coalition have meant that far less has been achieved than originally hoped. [1] [5(o)]

3.35 From mid 1997 increasing prices and plans for closure of unprofitable state owned enterprises provoked social and labour unrest. Escalating political instability in early 1998 stalled economic reform and delayed the adoption of the 1998 budget. [1]

3.36 On 10 July 1998, President Constantinescu promulgated a law on the re-organisation of the country's Reform Council. The law provides for the transformation of the Council into a central public administration body subordinated to the government and aims to correlate and monitor the government's reform policies and economic and social development policies. [24(j)]

3.37 After talks with IMF and World Bank officials in early October 1998, Prime Minister Vasile urged the government to carry out delayed reforms to avoid the danger of becoming a "bad debtor". The IMF had reportedly warned the Government that its fiscal and monetary policies were unsustainable and that it needed to bring the state budget under control whilst accelerating the pace of privatisation and the collection of taxes. In August 1999, Romania agreed a Stand – By Arrangement with the IMF, placing a series of tough conditions on

Romania. The IMF have reported some progress in this area, though some important conditions - notably the requirement to raise sufficient private sector finance – remains a stumbling block. [5(o)] [15(a)]

3.38 It was reported in October 1998 that the economy was in freefall. President Constantinescu announced on television that Romania was facing an extremely serious economic crisis. Inflation was expected to be 60%, down from 1997's 155%, but still the highest by far in Eastern Europe. High fiscal and current account deficits were another problem. Romania managed to service its debt in 1999, but at the cost of running down foreign reserves dramatically. In June 1999 unemployment was recorded as 11.3%. [6(k)] [5(o)]

3.39 On 19 October 1998 World Bank officials promised financial assistance to Romania after meeting with Petre Roman, the president of the Senate (the upper chamber of the bicameral legislature). Assistance would support programmes aimed at reconstructing the financial and agricultural sectors in an effort to speed up reforms. [15(a)]

3.40 In November 1998 the European Commission reported that Romania could not be considered as a functioning market economy, and that it was not able to cope with competitive pressure and market forces within the European Union in the medium term. [20]

3.41 The war in Kosovo in the spring of 1999 has had a negative effect on Romania's economy, causing the port of Constanța to lose 50,000 US dollars per day in revenues due to the closure of the Danube, a consequence of destroyed bridges. Financial losses as a result of the blocked bridges are around \$800 million. It was estimated that Romania would be likely to suffer a 0.4% decline in GDP during 1999 as a result of the conflict in Kosovo. In particular lost foreign exchange inflows from lost exports and lost or delayed foreign investment will place additional pressure on a government desperately needing to borrow to finance debt repayment and a large balance of payments deficit. The Kosovo crisis may also set back the process of structural reform in Romania. The additions to productivity and GDP which foreign direct investment brings may be reduced. Similarly, foreign investors may prove reluctant to compete for enterprises being privatised, thus negatively affecting their potential sales price, which in turn may dampen government enthusiasm for privatisation. [1] [5(o)]

3.42 Romania's gross domestic product decreased, in real terms, by an annual average of 0.6% during 1990 – 98. GDP declined by 7.3% in 1998 and by 3.2% in 1999. A significant reduction in the current-account deficit was none the less achieved, mainly in the areas of fiscal reform, bank restructuring and privatisation. In January 2000 the Government initiated a major financial reform programme, which aimed to reduce public expenditure, accelerate privatisation and reform the fiscal system. [1]

3.43 In August 2000, Romania's economy was finally showing signs of recovery, despite the battering the agricultural sector took with the heat wave of June and early July. Analysts say the recovery reflects the steady hand of Prime Minister Isarescu, who has been a model of competence compared to his predecessors. Exports are improving over the balance of payments position and encouraging growth; GDP is expected to grow a modest 1.3% this year, while inflation should be at 35%, compared to 55% in 1999. [2]

3.44 The Romanian Prime Minister Mugur Isarescu, warned in October 2000 that the IMF might postpone a planned \$122m support payment because the country would be unable to

meet targets agreed with the IMF for reducing arrears and salaries at state-owned companies. [16(b)]

#### **IV. INSTRUMENTS OF THE STATE:**

##### **A. Political Affairs:**

4.1 Following President Ceaușescu's downfall in December 1989, numerous political parties were formed or re-established in preparation for the holding of free elections. By the time of the November 1996 general election there were some 90 registered political parties: the financing of political parties from abroad is not permitted. [1]

4.2 Under the 1991 Constitution (drafted to replace that of 1965) 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]

4.3 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. For administrative purposes, Romania comprises 41 administrative divisions (counties) and the municipality of Bucharest. [1]

(See Annex D for a list of the current Government)

##### **B. The 1996 Elections:**

4.4 Presidential and Parliamentary elections were held on 3 and 17 November 1996. International observers from the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) considered these elections to have been conducted freely and reasonably fairly "but with transparency still needing improvement." The CDR secured 53 Senate seats (30.7%) and 123 seats in the Chamber of Deputies (30.17%). [1] [22(b)]

4.5 The CDR candidate, Emil Constantinescu, was elected President after gaining 28.21% of the vote in the first round of the Presidential elections, (Ion Iliescu secured 32.23%), and 54.4% of the vote in the second round of voting. Once elected, the President may not remain a member of a political party. The CDR is an alliance of several political parties and non-governmental organisations and was the largest opposition bloc in parliament until the November 1996 elections, when it won more seats than any other party. The main parties of the CDR include the Christian Democratic National Peasants Party (PNT-CD), the Civic Alliance Party (PAC), the National Liberal Party (PNL) and the Romanian Ecologist Party (MER). On 29 November 1996 Emil Constantinescu was sworn in as President before a joint session of the two chambers of Parliament. [1]

4.6 The new Prime Minister, Victor Ciorbea, was from the Christian Democratic Party (the successor to the NSF). He assembled a coalition government comprising the Democratic Convention (PNT-CD), Social Democratic Union (USD) and the Union of Democratic Hungarians in Romania (UDMR). A new coalition government under Radu Vasile, Secretary General of the Christian Democratic National Peasants Party (PNT-CD), brought Democratic Party ministers back into the fold. The government announced its intention to drive through

necessary, though politically difficult, economic reforms. In April 1999, the main party in the centrist coalition government, the Christian Democrat Party, split with former Prime Minister, Victor Ciorbea, announcing that he was forming a rival Christian Democrat Alliance after becoming disillusioned with government policy and the lack of progress on reforms. [1] [5(i)] [6(m)]

#### **C. The Right of Citizens to change their Government:**

4.7 The Constitution provides citizens with the right to change their government through periodic and free elections held on the basis of universal suffrage. [4(b)]

#### **D. The Romanian Constitution:**

4.8 Following its assumption of power in December 1989, the National Salvation Front decreed radical changes to the Romanian Constitution of 1965. The name of the country was changed from the "Socialist Republic of Romania" to "Romania". The leading role of a single political party was abolished and a democratic and pluralist system of government was established. A new Constitution was drafted which was approved in a national referendum on 8 December 1991. [1]

4.9 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. [1]

#### **E. Security Services:**

4.10 Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organisations are somewhat vague, and their security responsibilities overlap. All security and intelligence organisations operate under the authority of civilian leadership. The Ministry of Internal Affairs supervises the national police, which have primary responsibility for security, and the border guards. [4(b)]

4.11 Romania's former intelligence and security apparatus consists 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). [5(i)]

4.12 From its inception in March 1990, the SRI has been tainted by links to its predecessor, the Securitate. 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. [5(i)] [7(a)]

4.13 In September 1994 the prosecutor's office brought to trial the former head of the SRI in Maramureş County, who was accused of illegally tapping wires for the PUNR in the 1992 local elections. He was dismissed from the SRI immediately following the alleged incident. In 1999 there were no reported instances of interference with individual citizens' right to privacy. [4(b)] [5(l)]

4.14 On 7 February 1996, the Senate debated and approved a draft reading of the Law Regarding the Protection of State and Professional Secrets. Several articles of the draft bill gave powers to the SRI, which the Romania Helsinki Committee felt were outside its stated mandate. [22(b)]

4.15 The Directors of the SRI and SIE have ministerial rank and report to the President. According to legislation passed in March 1992, the SRI's structure and operational regulations are approved by the Supreme Defence Council. Funding for its activities are stipulated in the state budget and it is accountable to a parliamentary commission first set up in 1993. In February 1996, it was announced that a new body, including members of the parliamentary Defence, Public Order and National Security Committees, would be set up to oversee SIE activities. The SIE does not, however, present annual activity reports to parliament as the SRI does, but rather forward its reports to the Supreme Defence Council. [5(l)]

4.16 The SRI is tasked to gather 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. There is limited SRI/SIE co-operation, in areas such as anti-terrorism and organised crime. Both services co-operate with the police division fighting organised crime (BCCO), providing intelligence on drugs trafficking and illegal immigration. [5(l)]

4.17 On 25 June 1998, President Vasile stated that all members of the cabinet had submitted declarations that they were not informers to or collaborators with the Securitate except for Crin Antonescu, Minister for Youth and Sports, and Constantin Dudu Ionescu, State Secretary in the Ministry of National Defence. On 6 July, the President stated, after a sitting of the Supreme Defence Council (CSAT), that none of this body's members had links with the former Securitate political police. [19(a)] [24(b)]

4.18 On 25 June 1998, the Senate passed a Bill on public access to former Securitate secret police files. The files may be read immediately after the law comes into force. However, the SRI Director, Mircea Ghiordunescu, claimed that chances of finding files relating to the informers of former members of the Communist Party, are rather slim as when an informer whose file had been classified in the archive received Communist Party membership all the evidence was destroyed. On 14 June 2000, the College of the National Council for the Study of the Securitate Files Archives said that it is "temporarily suspending" its activities. This was in protest to the fact that the Romanian Intelligence Service (SRI), where most of the files from the former secret police are deposited, is not co-operating with the Council in good faith. A College member said that the SRI is still using some Securitate informers and does not want their identity revealed. The SRI has denied the accusations. [23(b)] [24(c)] [24(d)]

**i) Police and Human Rights:**

4.19 Between 1993 and 1995 the Romanian Committee for Human Rights and Humanitarian Law, a body set up within the Ministry of the Interior's Inspectorate-General of Police, organized a number of activities to enable police personnel to become more familiar with the system for protection of human rights. These activities were intended to give police officers a clear picture of the main international and domestic human rights standards, and, in particular, of the provisions contained in the Universal Declaration of Human Rights, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. With the same aim in mind, the Inspectorate-General of Police pursued training activities in collaboration with the various non-governmental organisations (NGOs) active in the field of human rights protection. **[11(a)]**

4.20 The United Kingdom is Romania's largest European donor of bilateral defence assistance, under a programme which includes secondment of UK Ministry of Defence staff in the Romanian Defence Ministry, and UK help in the establishment of a Romanian staff college. **[6(o)]**

**ii) Complaints and Police abuses:**

4.21 Judicial cases involving military personnel and the police are tried in a military court system, although this is not without criticism by local and international human rights groups. **[4(b)]**

4.22 In criminal matters, the case law of certain courts of general jurisdiction is also relevant to application of the provisions of article 7 of the International Covenant on Civil and Political Rights. The efforts being made to apply the provisions of article 7 of the Covenant and of national legislation will be continued until such time as all violations reported are seriously investigated as a matter of course, the acts are accorded a legal characterisation commensurate with their gravity, and victims receive appropriate compensation. **[11(a)]**

4.23 In 1997 military prosecutors indicted 48 law enforcement officials for the offence of "abusive conduct", 17 for "abusive investigations" and two for torture. In the first six months of 1998, 21 officers were indicted for "abusive conduct" and two for "abusive investigations". **[8(a)]**

4.24 In February 1999, the Romanian Government authorised the publication of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its visits to places of detention in Romania in September and October 1995. The Committee found that "persons detained on suspicion of committing a crime, at the time of arrest and/or in the course of interrogation, faced a not inconsiderable risk of being subjected by the police to ill-treatment, which was sometimes severe ill-treatment, even torture". Although the Romanian Government responded that steps would be taken to incorporate the recommendations into law, they had failed to revise the Law Concerning the Executions of Sanctions by the end of 1999. **[8(b)]**

4.25 Investigations into reports of ill treatment and torture appear not to have been carried out promptly in 1999. The authorities frequently failed to account for injuries suffered by the complainant, even when they were documented by forensic medical experts, and some officials' explanations strained credulity. Police officers sometimes responded to complaints of ill treatment with a counter-charge. **[8(b)]**

4.26 In their August 2000 report, Amnesty International reiterated its concern regarding the use of lethal force by law officials in Romania. It is also concerned that Romanian law allows law enforcement officials to use firearms in circumstances prohibited by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which can lead to breaches of Romania's obligations under the International Covenant for Civil and Political Rights (ICCPR). **[8(d)]**

4.27 The Romanian authorities presented a broad package of draft reforms of the Penal Code, Penal Procedure Code, and the laws governing the police and prisons to Parliament in September 1999. The proposed revision of Article 19, letter d, of Law number 26/1994 Concerning the Organization and Functioning of the Romanian Police fails to bring the law into harmony with the UN Basic Principles on the Use of Force and Firearms. The Article lists no less than 10 situations under which firearms may be used "in accordance with the law". The Principles permit firearms to be used against persons only for the purpose of preventing death or serious injury, when less extreme measures are insufficient to achieve those objectives. **[8(d)]**

4.28 In its 2000 Annual Report, Amnesty International recorded reports of torture and ill treatment, and at least one man died after being shot by police. Inadequate and slow investigations into these allegations, resulting in few prosecutions, continued to provide relative impunity for police officers. In May 2000, a police officer shot Miguel Soare, a 20-year old Roma man, as a result of which he is paralysed. Eyewitnesses report that Soare was unarmed, and that a police officer shot him in the back of the head at point-blank range. Reports suggest that the investigation initiated by the Romanian authorities may not be impartial and thorough. Witnesses were allegedly detained for 10 hours, denied water and intimidated by other police officers. **[8(b)] [8(d)]**

4.29 In its 2000 Report, Amnesty International expressed concern about the alleged ill treatment by officers of the Buzau County Police Inspectorate's emergency intervention sub-unit. Duties of the new sub-units include making emergency interventions and monitoring patrols around the clock to deter the commission of criminal offences. Four complaints were reportedly made in the first three months of its operation in Bazau County. It is reported that the officer appointed to command the sub-unit was previously disciplined for committing acts of ill treatment, including beating women in public. APADOR, the human rights NGO which originally brought the case to the attention of Amnesty International confirm that as of October 2000, investigations are underway in all cases. These are being conducted by the Office of the Military Prosecutor. APADOR are continuing to monitor the situation and have not suggested that there are any grounds for concern at this stage. **[6(t)] [8(e)]**

4.30 The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also

totalitarian, racist, and anti-Semitic actions, or attempts to change the existing national borders. Security officials may enter residences without proper authorisation from a prosecutor if they deem a threat to national security "imminent." **[4(b)]**

4.31 The Constitution also states that the privacy of legal means of communication is inviolable; thus, the Romanian Intelligence Service (SRI) is legally prohibited from engaging in political acts (for example, wiretapping on behalf of the government for political reasons). However, the law allows security services to engage in such monitoring on national security grounds after obtaining authorisation. Similarly, although the law requires the SRI to obtain a warrant from a prosecutor to carry out intelligence activities involving "threats to national security", it may engage in a wide variety of operations, including "technical operations", to determine if a situation meets the legal definition of a threat to national security. **[4(b)]**

### **iii) Employment of Police Officers:**

4.32 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. **[5(c)]**

4.33 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." **[5(c)]**

### **iv) Corpul Gardienilor Publici (CGP):**

4.34 The CGP was set up in or around 1995. It is a legally constituted body subordinated to local authorities, which provides protection services. It is a civil body and therefore not the same as the Romanian police. The police are responsible for supervising and controlling the activities of the CGP and staff must be approved by the police. Guardians have individual work contracts with the CGP, normally for two or three years. They may resign at any time but must pay compensation if they do so in their first two years of service. This compensation (for training and equipment costs) could amount to as much as £100. **[5(b)]**

## **F. The Judiciary:**

4.35 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. **[11(a)]**

4.36 The Act made it possible to carry out a judicial review of orders to suspend some mayors from their duties. In cases where the complaints by the mayors have proved well founded, the bodies exercising primary jurisdiction have ordered the annulment of the



suspension orders, and their decisions have been confirmed by the Supreme Court. Conversely, in cases where the mayor's complaint has proved ill founded, the bodies exercising primary jurisdiction and the courts of appeal have upheld the suspension ordered by the Prefect. **[11(a)]**

4.37 Constitutional provisions guarantee all persons the right to life and prohibit the death penalty. Judicial practice bears witness to judges' concern to achieve a correct legal characterisation of criminal acts that have resulted in a loss of human life, so as to ensure that the penalty is commensurate with the seriousness of the acts and the evidence concerning the intent of the person who has committed the criminal act. **[11(a)]**

4.38 The US State Department report concluded that there were increasing signs of judicial independence during 1999. **[4(b)]**

4.39 The Organisation of Justice Act (Act No. 92/1992) re-established a four-tier system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court, or for constitutional matters, to the Constitutional Court. This law was amended in 1998 to define the size of judge panels which has resulted in the acceleration of procedures. **[4(a)] [20]**

4.40 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. It ensures the correct and uniform application of the law. The members of the Supreme Court are appointed by the President of Romania at the proposal of the Superior Council of Magistrates. **[1]**

4.41 The judicial organisation of courts at the county and local levels was established by Law 92 of 4 August 1992. In each of the 40 counties of Romania there is a county court and between 3 and 6 local courts. The county courts also form 15 circuits of appeal courts, where appeals against sentences passed by local courts are heard, which are generally considered courts of first instance. **[1]**

4.42 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]**

4.43 Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticise this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive and that the military courts sometimes block proper investigation of alleged police abuses. **[4(b)]**

4.44 The demilitarisation and reorganisation of the police was announced in 1999, but so far without a clear timetable for action. Once implemented, it will allow for the independent examination of cases based on direct access of the investigating judges to the police administration. This should contribute to the improved functioning of the judiciary in general. At the same time, it would remove responsibility from the military courts for cases of police abuse and ill treatment in detention locations. **[20]**

4.45 A series of measures has been taken since July 1997 to strengthen the working of the judiciary. These include:

- ◆ the creation of the National Institute of Magistrates as the specialised institution charged with the training of judges and prosecutors. This has contributed to the clarification of institutional responsibilities and provides the basis for further human and material resource development within the judicial system.
- ◆ a review of the organisational structure of the Public Ministry (i.e. the General Prosecutor's Office) combined with personnel changes of strategic importance. These aim at a more effective delivery of services, in particular in relation to serious cases of smuggling and organised crime.
- ◆ removal of unsuitable judges. In June 1998, mandates for 17 of the 37 judges on the Constitutional Court were not reconfirmed, due to their repeated infringements of existing legislation on property. In the last 10 years there has been a considerable change in the age structure of judges. About 76% of judges are now under 30 years of age. However, little structural change took place at the level of appeal courts.
- ◆ the creation of the institution of the People's Advocate, provided for by the Romanian Constitution to fulfil the functions of an ombudsman. The staff of this institution comprises 70 people. [20]

4.46 Despite these measures, the European Commission reported in November 1999 that there remains considerable scope for improving the operation of the judicial system. [20]

4.47 The General Prosecution Magistracy also functions under Law 92 of 4 August 1992. There are prosecuting magistracies operating through each court, under the Minister of Justice. [1]

4.48 The Constitution provides for the irremovability 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). [11(a)]

4.49 Among the guarantees of independence and impartiality conferred on judges, mention should also be made of the right of the judge to request, and the obligation of the Ministry of the Interior 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). [11(a)]

## **F. Legal Rights / Detention:**

4.50 The law provides for fair public trial, and defendants benefit from a presumption of innocence. The Criminal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. Either a plaintiff or defendant may appeal. These provisions of the law are respected in practice. The law also

provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court. **[4(b)]**

4.51 Pre-trial detention of the accused for a period not exceeding five days, or for a period not exceeding six months following his committal for trial, must be substantiated in a detention order issued by the prosecutor. **[11(a)]**

4.52 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, arts. 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 lower courts by the prosecutors 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). **[11(a)]**

4.53 Judicial decisions concerning provisional release generally invoke the provisions of the Code of Criminal Procedure, whereby "at any point in the criminal proceedings an arrested accused person may request his provisional release, under court supervision or against a security" (art. 160<sup>1</sup>). Some courts have concluded that these provisions must be interpreted in accordance with article 23 (7) of the Constitution, which provides that "a person under pre-trial detention has the right to apply for provisional release, under court supervision or against a security." **[11(a)]**

4.54 The right of the person charged and of the person committed for trial to appeal to the court against the pre-trial detention order or order not to leave the area issued by the prosecutor was introduced into the Code of Criminal Procedure (art. 140<sup>1</sup>) by Act No. 32/1990. The appeal must be submitted to the court, together with the file, within 24 hours. The detainee must be brought before the court and must be assisted by his lawyer. After hearing the detainee, the court is obliged to rule, on the same day, as to the lawfulness of the measure. **[11(a)]**

4.55 Under article 504 of the Code of Criminal Procedure, the person arrested has a right to compensation from the State for the harm suffered if criminal proceedings against him were subsequently dropped or if he was 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 (Code of Criminal Procedure, art. 504). **[11(a)]**

4.56 The right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person, recognised by the International Covenant on Civil and Political Rights, is also guaranteed by the Romanian Code of Criminal Procedure (art. 5<sup>1</sup>). In providing for detention and the obligation not to leave the locality as alternative measures, the Code adds that, with a view to adopting the most appropriate measure, account

must also be taken of "the state of health, age, personal history and other information concerning the person against which it is directed" (art. 136). 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). **[11(a)]**

4.57 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. **[11(a)]**

4.58 The provisions of domestic legislation requiring that the person arrested be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him are complied with in Romania. 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. **[11(a)]**

4.59 The first condition that must be fulfilled in order to secure the right of everyone to be tried without undue delay is continuity of the prosecution process and accomplishment by the prosecutor of all the necessary steps to gather the items of evidence, with a view to establishing the file and formulating the submissions. The only possibility of jurisdictional supervision whereby the judge can eliminate undue delay in this first stage of the criminal proceedings relates to the application of the statutory provisions concerning the extension of pre-trial detention. If after repeated extensions, the prosecutor should request a further 30-day extension, and if at that stage the court considers that a further 15 days would provide sufficient time in which to complete the criminal proceedings, a further request for extension of the detention after the expiry of the 15-day period is not permissible. **[11(a)]**

4.60 Under the law, minors detained by police and placed under guard in a Centre for the Protection of Minors are not considered by judicial authorities to be in detention or under arrest. Since the Penal Code does not apply to minors in these centres until their cases are referred to a prosecutor, police are permitted to question them without restrictions and may hold those suspected of criminal offences in such centres for up to 30 days. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the government to change it. **[4(b)]**

(Please also see Section V. C on Children)

## **H. Prisons:**

4.61 The prisons system has been considerably improved through the establishment and observance of a clear methodology for the organisation of detainees' lives and activities. The international standards relating to the prisons system have been published in brochures and distributed in all places of detention. Despite this, Human Rights Watch report that the continuing use of methods of restraint such as handcuffs and leg irons for very long periods of time solely as a form of punishment, and the frequent use of isolation cells as a means of punishment for relatively minor breaches of internal prison rules are just two of the blatant violation of international standards found in Romanian prisons. **[3(b)] [11(a)]**

4.62 The prison system is improving slowly as efforts increase to bring prisons in line with minimum international standards. The 1999 prison budget increased 24 percent over 1998. There are now 33 detention institutions. Nevertheless, overcrowding remained a serious problem. A modern penitentiary opened in January in Bucuresti-Rahova that houses 1,400 inmates. Each eight-person cell is equipped with a shower, toilet, and two basins. Medical facilities were modernised in some prisons, and inmates were allowed to exercise outside their cells. [4(b)]

4.63 Human rights organisations continued to report abuse of prisoners by other prisoners and prison authorities in 1999. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semi-official charge of other prisoners. However, prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely and inmates had the right to telephone calls. A probation pilot programme financed by the Open Society Foundation opened in Iasi at the end of 1998, to provide assistance to minors and other young first offenders. [4(b)]

4.64 The government permits visits by human rights monitors, and several non-governmental organisations (NGO's) made such visits in 1999. There were no reports of political prisoners nor was exile used as a means of punishment in 1999. [4(b)]

#### **I. Social Welfare:**

4.65 Romania has a comprehensive state insurance scheme, premiums being paid by enterprises and institutions on behalf of wage earners. A new 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. [1]

#### **J. Education:**

4.66 Education is free and compulsory between the ages of six and 16 years. Children under the age of 6 years may attend crèches and kindergartens. The Education Act was adopted by Parliament in 1995. Article 5, paragraph 1 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". 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), and also establishing a mandatory requirement to study and assimilate the Romanian language, as the official language of the State (art 8, para 3). [1] [11(a)]

4.67 The Chamber of Deputies' Education Commission decided on 1 July 1998, that studying and "acquiring" the Romanian language in school, as the official state language, should be mandatory for all Romanian citizens regardless of nationality. Thus, tuition at all levels is to be in Romanian, as well as the languages of the national minorities, within the limits of the law. [21]

4.68 The Education Act also provides for the introduction 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 provisions of the Education Act also deal with the organisation, by the Ministry of Education at the request of the religious denominations recognised by the State, of specific denominational education so as to meet their needs for trained staff. 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. Educational units and institutions created in response to religious or linguistic needs, in which the teaching reflects the choice of the parents or legally appointed guardians of the students, shall not be regarded as being based on exclusive and discriminatory criteria". **[11(a)]**

(Please also see Section V.F on Freedom of Religion)

4.69 Academic freedom is respected in Romania. **[4(b)]**

4.70 The Ministry of National Education outlined a series of real reforms, in September 1998, which it has implemented in order to improve the education of all young people in Romania. The fundamental aim is to foster the right to study, at all levels, for any person, irrespective of their ethnic origin, who has the required education and adequate motivation. **[26(a)]**

4.71 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, and 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). The school network for teaching in the national minority languages also includes establishments, sections and study groups in which the students can be taught or learn in the language of the Serbian, Ukrainian, Slovak, Czech, Bulgarian, Croatian, Turkish and Tatar, Russian, Polish, Armenian, Greek and Italian minorities. **[11(a)]**

4.72 In the framework of the State's efforts to secure fuller social integration of persons belonging to the Romany/Gypsy minority, a school programme was started up in 1997 to provide Romany/Gypsy children with an opportunity to learn the Romany language. Study groups for the language have been set up in eight pre-university educational establishments and 302 pupils selected the option. Special classes for Romany language and literature teachers have been set up in three teacher training colleges in Bucharest, Bacău and Târgu-Mureş, starting in the 1993-1994 academic year. In the 1994-1995 academic year 55 such students attended these teacher-training colleges. Students on the programme include not only young people of Gypsy origin, but also ethnic Romanians. **[11(a)]**

4.73 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 is being attached to co-operation between the competent Romanian authorities and NGOs working in the field of Romany/Gypsy education and culture. Research will continue with a view to identifying the most appropriate means of providing Romany/Gypsy children with an education. **[11(a)]**

(Please see also Sections V. J on Ethnic Minority Groups (General); and V.L. on Roma)

#### **K. Refugees:**

4.74 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. **[4(b)]**

4.75 The Romanian Government co-operates with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organisations. Beginning in mid-1998 the Interior Ministry and the Labour Ministry began funding programs to assist asylum seekers and refugees. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programmes for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regard the country as a springboard to the west. [4(b)]

4.76 In the first 6 months of 1999, 807 applications for asylum were received. UNHCR estimated in 1999 that no more than 2,000 asylum seekers and refugees are currently in Romania. During the Kosovo crisis, Romania hosted close to 100 Kosovar refugees from FRY of Macedonia, under the joint UNHCR/IOM Humanitarian Evacuation Programme. As of July 1999, all but one had returned to Kosovo. [4(b)] [7(a)]

4.77 A report by the United Nations Commission on Human Rights, Economic and Social Council, dated 16 December 1998 gives a detailed description of the asylum process in Romania. The asylum detention facility at Giurgiu was described as degrading. The report makes various recommendations to improve the asylum system in Romania. [11(b)]

4.78 There were no reports in 1999 of the forced return of persons to a country where they feared persecution. [4(b)]

#### **L. Europe and NATO:**

4.79 After the overthrow of President Ceauşescu in 1989, Romania's relations with other countries slowly improved. An association agreement with the European Community was signed in February 1993 and in June 1995 Romania formally applied for full membership of the European Union. Romania applied for membership of the Council of Europe in May 1993, but owing to its poor record on civil liberties, was not admitted until October 1993. In July 1997 the European Commission judged that Romania was not then ready to begin accession negotiations for EU membership. [1] [20]

4.80 Formal negotiations to join the European Union began in March 2000. Romania opened the EU admission negotiations at five chapters; namely research, education, foreign and common security policy and small and medium-sized companies. While Romania advances in the legislative process, the necessary conditions for the successive start of negotiations in the other chapters will be created. [24(d)]

4.81 By May 2000 Romania had provisionally closed the first five chapters, all of them fairly uncontentious. The pace of negotiations will invariably slow as Romania starts tackling the more difficult chapters. The EU Commissioner for Enlargement, Guenter Verheugen, has pointed out that Romania has the worst inheritance of democratic institutions among the eastern European candidate countries and that negotiations will be extremely difficult. The Annual 2000 report on Romania by European Commission is due for release in November 2000. It will appreciate the efforts made by Romanian authorities in the last years, but will also express dissatisfaction regarding the pace of economic reforms and privatisation. Speaking on 10 October 2000, Guenter Verheugen said that 2003 is a realistic target for the accession of the first candidate states. However, there are no guarantees that the first countries may really join the union in 2003, and he avoided mentioning any favourites for this first wave. [16(a)] [32(b)]

4.82 The EU Rapporteur on Romania in the negotiations for the country's accession to the Union, Baroness Emma Nicholson, said in her report of August 2000 that Romania's road to joining the organisation is "long, difficult and full of hindrances." Among the main obstacles mentioned are the situations of abandoned children, corruption in its public administration, Romania's economic situation, and the slow progress on privatisation. The report emphasises, however, that Romania's geographic position is important to stabilising the region. It also says that Romania has "taken all necessary measures for national minorities to benefit from all rights stipulated in EU Council documents." [23(a)]

4.83 The parliamentary and presidential elections to take place on November 26 2000 are seen as crucial to decide whether Romania, one of Eastern Europe's economic laggards, will gain early EU membership or relapse into the stagnation of the early post-communist years. [31]

4.84 In early 1997, Romania directly appealed to all NATO member countries to support its accession into the organisation in the first wave of expansion. 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 and stated that the enlargement process would be reviewed in 2002. [1] [13]

4.85 Romania 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. Romania was severely disappointed by NATO's failure to specify a date for the country's integration into the organization. [1] [13]

## **V. HUMAN RIGHTS:**

### **A. Actual Practice with regard to Human Rights:**

5.1 Romania has ratified most of the major human rights instruments including the revised European Social Charter, which came into force on 1 July 1999. [20]

5.2 The European Commission published its regular report, on the progress of candidate countries towards meeting the Copenhagen criteria, on 4 November 1999. It concluded that Romania now fulfils the Copenhagen political criteria i.e. it has achieved the "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". Continued efforts had been made to respect and protect the rights of the Hungarian minority and to carry through reforms concerning the situation of children in orphanages. Nonetheless, the report advised much still needs to be done in rooting out corruption, improving the working of the courts and protecting individual liberties and the rights of Roma. Priority should also be given to reforming public administration. [20]

5.3 The Office of the UN High Commissioner for Refugees (UNHCR) has concluded that Romania is no longer to be characterised as a refugee-generating country and that basic standards of human rights are respected. [20]



5.4 The US State Department concluded that in 1999 the Romanian government generally respected the human rights of its citizens. However several serious problems remained with respect to investigations of police abuses; poor living conditions in prisons; discrimination against Roma and women; impoverished and homeless children; and societal harassment of religious minorities. Human Rights Watch reported in 1999 that human rights groups in Romania continued to work to bring attention to human rights abuses, particularly focusing on police brutality, prison conditions, and rights of minorities. [3(d)] [4(b)]

5.5 In June 2000, the President of the European Court of Human Rights, Luzius Wildhaber, visited Romania at the invitation of the Romanian Constitutional Court. Wildhaber sent messages to the national tribunals, the Romanian authorities and the Romanian government urging them to interpret the laws and harmonise the legislation in the spirit of the European Convention of Human Rights. Wildhaber stated that developments of the observance of the human rights stayed at a slow but certain course. [6(r)]

(Please see also Section IV. E.ii on Complaints and abuses by Police; Section IV.H on Prisons; and Sections V.B, V.C and V.F. on Human Rights)

5.6 The Ombudsman's Office, which was established in March 1997, became fully operational in 1999. The Office registered 4372 complaints in 1999, up from 2985 in 1998 and 1168 in 1997. The Office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with government. The Ombudsman's role was not yet fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration. [4(b)]

5.7 The Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defence of Human Rights (LADO), the Romanian Institute for Human Rights, as well as several issue-specific groups such as the Young Generation of Roma and the Centre for Crisis Intervention and Study and international human rights organisations, functioned freely without government interference. [3(d)] [4(b)]

5.8 In 1999 there were no reports of politically motivated disappearances. [4(b)]

5.9 The Romanian Constitution forbids torture and inhuman or degrading punishment and, in 1999, these prohibitions were generally respected in practice. However, there were reports that police beat detainees and improperly used firearms. [4(b)]  
(Please see also Section IV.E.ii on Complaints and Police abuses)

5.10 In 1998 more than 12,000 NGOs played an increasingly important role in society. This is also being recognised by the state administration, which is intensifying its relations with civil society. An office has been established under the Prime Minister to promote relations with the NGO sector. [20]

5.11 In 1998 and 1999 the Romanian Helsinki Committee (RHC) reported and investigated numerous reports from individuals who claimed to have been tortured or abused by the police. The Human Rights Watch annual report 1999 stated that Roma were disproportionately the victims of police misconduct. [3(a)][27]

5.12 Amnesty International reported in 1999 that there were numerous reports of torture and ill treatment, with at least one case resulting in death. Investigations into complaints of ill treatment continued to be prolonged and not impartially carried out. Prompt investigations were an exception and victims included Roma. **[8(a)]**

5.13 According to a United Nations paper of April 1997, the Romanian Government has in recent years, devoted special attention to initiatives and activities whose principal aim is the prevention of acts of racism, racial discrimination and xenophobia, so as to guarantee that young people are educated in a spirit of openness and tolerance, secure broad dissemination of the principles of democracy and human rights, and promote a climate of dialogue and tolerance among the various sections of Romanian society, including persons belonging to ethnic, linguistic and religious minorities. **[11(a)]**

(Please see also Section V.J on Ethnic Minority Groups (General), and V.F on Religious Freedom)

5.14 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. **[11(a)]**

5.15 The European Youth Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance - "All Different, All Equal", was launched, in Strasbourg in December 1994 **[11(a)]**

5.16 Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating abuses, responds unevenly to enquiries from monitors and was reluctant to indict police officers for such abuses in 1999. Romanian law provides no other remedy for victims of police abuse. Often victims are reluctant to come forward, and the Government does not provide transparency in this regard. **[3(a)] [4(b)]**

## **B. Women:**

5.17 The Constitution grants women and men equal rights. However, in practice the government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues. Women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. **[4(b)]**

5.18 There are no legal restrictions on the participation of women in government or politics, but societal attitudes constitute a significant impediment. In 1999, women held only 5.9% of the seats in Parliament and one ministerial position. **[4(b)]**

5.19 On 29 May 1998 the Romanian parliament adopted a law which defined and punishes harassment in the workplace and prohibits discrimination against married or pregnant women in employment. **[3(a)]**

5.20 In order to promote the advancement of women in decision-making structures, the Government has appointed female Secretaries of State in the Ministries of Justice, Education, and Labour and Social Protection. By its Decision No. 816/1995, it set up a special structure for women's rights within the Ministry of Labour and Social Protection. A female Secretary of State

heads this department, the tasks of which include studying the most appropriate measures for implementing the principle of equal opportunities for women and men. In 1997 women occupied seven posts of Secretary of State in the ministries and central administrative authorities, 647 posts of mayor and deputy mayor, and 270 senior official posts in public administration. [11(a)]

5.21 Violence against women, particularly rape, continues to be a serious problem. Both human rights groups and women's rights groups credibly report that domestic violence is common. Under a government pilot begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only 4 persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. According to UNICEF, Romania has an average of 108 sexual incidents per 1000 women, and 41 assaults per 1000 women. Prosecution for rape remains difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. [4(b)]

### **C. Children:**

5.22 The Government administers health care and public education programmes for children, despite scarce domestic resources. International agencies and NGO's supplement government programmes in these areas. [4(b)]

5.23 There is no perceptible societal pattern of abuse against children. Nevertheless, large numbers of impoverished and apparently homeless, but not necessarily orphaned, children can be seen on the streets of the larger cities. The government does not have the statistics defining the scope of the problem. NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention centre, some minors actually requested prison sentences. [4(b)]

5.24 Living conditions in all child care institutions very seriously deteriorated during 1999 for financial and administrative reasons. One year after the European Commission had concluded that there had been a positive change in government policy on child protection, EC inspectors visited institutions and identified humanitarian needs in 1999. While conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, the number of institutionalised children has reportedly increased by 20 percent since 1989. [4(b)] [20]

5.25 The Constitution prohibits forced and bonded child labour, and the government generally enforces this provision; however, trafficking in girls is a problem. The minimum age for employment is 16 years, but children as young as 14 or 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge". [4(b)]

5.26 On 4 July 2000, the Ministry of Labour and Social Protection (MMPS) launched the International Programme for Child Labour Elimination set up in co-operation with the International Labour Bureau. The project estimated up to 600,000 dollars would be financed by the US government. A group of 1,500 children from Roma families, split families or living on the streets will be selected. Labour Minister Smaranda Dobrescu affirmed that they will be integrated

in educational institutions while child labour will be eliminated progressively. The MMPS Secretary of State stated that all companies that use child labour would be suspended from operating. **[6(q)]**

5.27 On 4 December 1995 Government Decision No. 972 adopted the National Programme of Action for the Child, 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. **[11(a)]**

5.28 In June 1997, the Romanian Government adopted Urgent Ordinance No. 25/1997 Concerning the Protection of Children with Difficulties, which replaced Law No. 3/1970. Although there is no evidence on how this law has been enforced in practice, as yet, Amnesty International felt that the new law had not addressed all the failings of Law 3/1970 which would safeguard the rights of the child and the parents from abusive police conduct. **[8(c)]**  
(Please see also Section IV.G on Legal Rights/Detention; and Section V.A on Actual Practice with regard to Human Rights)

#### **D. Homosexuals:**

5.29 The Romanian Parliament's Chamber of Deputies adopted draft changes in the Penal Code on 28<sup>th</sup> June 2000. Article 200, incriminating sexual intercourse between persons of the same sex was abolished along with the provisions, laying stress on individual freedom and the right to private life. Article 321 of Romanian Law on outrageous acts criminalises in an equal measure all public gestures and acts deemed against good morals, with no reference to the sex of the person committing them. The penalty for these acts will be between one and five years in prison. **[6(j)]**

5.30 The President of the Romanian resident delegation with the OSCE Parliamentary Assembly, MP Cristian Radulescu, said that the law would harmonise the Romanian Penal Law with the Council of Europe's Resolution 1123 referring to non-discrimination against homosexuals. **[6(i)]**

5.31 Homosexuals are still not viewed sympathetically by society. This was demonstrated following the decision to abolish Article 200. In June 2000, the Patriarch of the Romanian Orthodox Church sent MPs an open letter saying that the intention to remove the article on "unnatural acts" made him "sad and worried". **[24(n)]**

5.32 The US State Department Report for 1999, released in February 2000, states that homosexuals are "reportedly the victims of police brutality." No reports of police brutality have come to the attention of the UK Foreign and Commonwealth Office in 1999 and 2000. **[4(b)] [6(t)]**

5.33 For decades, all consensual sexual relations between adults of the same sex were forbidden in Romania. Article 200, paragraph 1, of the 1968 Romanian Criminal Code stated: "Sexual relations between persons of the same sex are punishable by imprisonment of one to five years." Article 200 also punished conduct that "incit[es] or encourag[es]... sexual relations between persons of the same sex, as well as propaganda or association or any act of proselytism committed in the same scope..." **[3(a)] [3(c)]**

5.34 A revised Penal Code came into effect in November 1996, which made same-sex relations between consenting adults (over 18 years) a criminal offence if carried out in public or if they caused a "public scandal." **[5(f)]**

5.35 ACCEPT was formed in 1994 with the aim of working towards the acceptance in Romanian society of all individuals, regardless of their sexual orientation. However, following legal advice, their registration papers omitted any references to "sexual minorities" or homosexuality. According to Bogdan Honciuc of ACCEPT, in a news article dated 14 September 1998, he stated that gays have an increasingly active part of life in Bucharest. Bucharest now boasts two "gay friendly" bars, frequented by homosexuals without interference from the police, a gay rights organisation and a monthly gay newsletter. **[3(c)] [5(g)] [14(b)]**

5.36 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. **[5(f)]**

(Please see also Section V.A on Actual Practice with regard to Human Rights)

#### **E. People with Disabilities:**

5.37 Difficult economic conditions and serious budgetary constraints contribute to very difficult living conditions for those with physical or mental disabilities. Many disabled people cannot make use of government-provided transportation discounts because public transport does not have facilitated access. Accessibility for the disabled, including to buildings and public transport, is not mandated by law. **[4(b)]**

#### **F. Freedom of Religion:**

5.38 Freedom of Religion is guaranteed under the Constitution and the government generally respects this in practice; however, several denominations continued to claim credibly that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytising, as well as interfered with other religious activities. The status of respect for religious freedom has improved slightly during 1999 and the first six months of 2000; however, religious life continues to be ruled by old laws that reinforce government discrimination in favour of certain religious groups. There are generally amicable relations among the different religious groups; however, the Romanian Orthodox Church has attacked the aggressive proselytising of Protestant, Neo-Protestant and other religious groups, repeatedly described as sects. **[4(c)]**

5.39 The Romanian Orthodox Church, of which approximately 86% of the population is at least nominal members, is predominant, although there are several other Christian churches which practise in Romania as well as a small number of other religions such as Islam and Judaism. **[4(c)]**

5.40 Under the provisions of a 1948 decree, the government recognises 15 religions, all recognised before 1990; only the clergy of these recognised religions are eligible to receive state support. The State Secretariat for Religious Denominations has licensed over 400 other religious associations under two 1924 laws on juridical entities, thereby entitling them to juridical status as well as to exemptions from income and customs taxes. However, religious associations may not build churches or other buildings designated as houses of worship and are not permitted to perform rites of baptism, marriage or burial. The official registration of religious associations is extremely

slow because of bureaucratic delays; in this regard, the State Secretariat for Religious Denominations has been criticised by smaller religious groups for its obstructionist tactics in favour of the Romanian Orthodox Church. Religious groups are required to have at least 2,000 members in order to register. [1] [3(d)] [4(b)]

5.41 In February 1999, the Romanian Government was considering the implementation of a new General Status of Religious Organisations Bill, which would have severely restricted religious freedom for minority religions. On 16 February 2000, the Romanian Government withdrew the proposed religious law when the legislature voted unanimously to withdraw the bill that would have virtually eliminated non-Eastern Orthodox churches. On 22 June 2000, the Romanian government passed an emergency resolution returning confiscated assets to religious organisations. The amount of property to be returned to each organisation will be limited to 10 buildings irrespective of the size of the organisation. [6(p)] [30]

5.42 The Catholic Church of the Byzantine Rite, or Greek Catholic Church, which suffered discrimination in years past from the Romanian Orthodox Church and the State Secretariat for Religious Affairs, made progress in 1998 in the restitution of some of its former church properties. Little progress was made during 1999. The Greek Catholic Church was disbanded by the Communists in 1948 and forced to merge with the Romanian Orthodox Church, which received most of the formers properties, including over 2,000 churches and other facilities. Since 1990 Greek Catholics have recovered a number of their churches. However, in Bixad, Satu Mare county, despite a government decision of 1992, the Greek Catholic Church in August 1999 could not take possession of the buildings which belonged to a Greek Catholic monastery because of opposition by local residents led by Orthodox priests. [4(b)]

5.43 With regard to freedom to profess their own religion, persons belonging to national minorities benefit from the same constitutional provisions as do all other Romanian citizens. 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. [11(a)]

(Please also see Section V.J on Ethnic Minority Groups (General))

5.44 Article 32 of the Constitution establishes the freedom of religious education, in the following terms: "The State shall ensure freedom of religious education, in accordance with the specific requirements of each denomination. In State schools, religious education shall be organised and guaranteed by law". The State Secretariat for Religious Denominations, a central institution set up in 1992, supports all denominations on an equal basis, contributes to the development of religious education in theological colleges, and acts as a liaison between the denominations and central local public administration. Through the Secretariat, the State contributes each month to financing the wage bill of the denominations and the costs of theology courses, and allocates funds annually for the construction, restoration and preservation of places of worship and articles of the cultural heritage in the care of the religious denominations. [11(a)]

(Please also see Section IV.J on Education)

5.45 Minority religious groups asserted that they have found central government and parliamentary officials more co-operative than local officials. They specifically reported that communication with the State Secretariat for Religious Denominations has improved during the first six months of the year 2000. [4(c)]

5.46 Persons belonging to national minorities are among the members of the various religious denominations recognised in Romania, such as 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 equal among themselves and before the law and the public authorities, without privileges and without discrimination. They are free and autonomous, and freely appoint their governing bodies and clergy without interference by the State. Clergy are trained by the denominations' own schools, faculties and colleges of theology, in the light of actual needs. Denominations are free to use the mother tongue of the congregation in their worship. **[11(a)]**

(Please also see Section V.A on Actual Practice with regard to Human Rights)

5.47 The 12th international religious meeting opened in Bucharest on 30 August 1998 with the attendance of more than 800 representatives from 30 main religions world-wide. The four-day conference, the first in an Orthodox country, took place in a palace built by the former communist dictator, Nicolae Ceaușescu, who ordered the demolition of more than 20 churches to make room for the palace and other communist party offices. **[6(h)]**

## **G. Jews**

5.48 Romanian Jewish community leaders defended the centrist government on 10 June 1997 against accusations that it stalled the return of assets seized from Jews by World War II fascists and later by Communists. The government has already returned five community properties and others will follow. Romania's present government and President back full restitution of the properties seized from all ethnic groups. 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 the international Jewish community leaders on 22 August 1997. **[6(f)] [6(g)]**

5.49 Most mainstream politicians have publicly condemned anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. **[4(c)]**

5.50 In October a court sentenced, Mihai Bogdan Antonescu, editor of the weekly *Atac la persoana*, to a 2-year suspended sentence for publishing articles that were intended to spread intolerance toward Jews. On September 13, Romanian Television reported that unknown perpetrators recently desecrated two tombstones in the Galati Jewish cemetery. In early November, vandals destroyed more than 50 tombstones in 2 Jewish cemeteries in Transylvania. **[4(c)]**

5.51 The Jewish community reported in May 2000 that 21 of its properties had been returned by government decrees. However, the Jewish community has taken actual possession of only 5 of them, the rest having been restituted merely on paper so far. **[4(c)]**

## **H. Jehovah's Witnesses:**

5.52 In March 2000, the Supreme Court issued two rulings that called for the official recognition of the status of Jehovah's Witnesses as a religious denomination. The law does not prohibit or punish assembly for peaceful religious activities. **[4(c)]**

5.53 Jehovah's Witnesses tend to be regarded with suspicion and hostility by the population at large and by the established churches. Many Romanians resent well-financed westerners (most of them from the USA) coming to their country as missionaries. They do not like the implication that Romania is not a Christian country. **[5(k)]**

5.54 However, Jehovah's Witnesses are not systematically persecuted by the Romanian State authorities. The cancellation of their international convention in 1996 was an isolated incident - a result of pressure from the Romanian Orthodox Church. Although on that occasion the government caved in, they do not generally become involved. **[5(k)]**

5.55 Such persecution as there may be is down to individual members of the community and it is nothing like so widespread or as serious as the ill treatment sometimes suffered by, for instance, the Roma. **[5(k)]**

### **I. Main Religions:**

5.56 Roman Orthodox Church: Romania's principal religion, with more than 19 million followers.

Roman Catholic (Latin Rite) Denomination: Over 1,250,000 followers.

Roman Catholic (Romanian Rite): 1,110,000 followers.

Reformed (Calvinist) Denomination: Over 700,000 followers.

Pentecostal Denomination: Some 350,000 followers.

Seventh Day Adventist Denomination: Over 67,000 followers. **[1]**

5.57 Religions formally recognised by the Romanian State (and number of adherents reported at the 1992 census):

Romanian Orthodox Church	19,762,135
Romanian Church to Rome (Greek Catholic)	228,377
Roman Catholic Church	1,144,820
Reformed Church (Calvinist)	801,577
Evangelical Church of Augustinian Order	39,552
Evangelical Church (Synodical-Presbyterian)	21,160
Unitarian Church	76,333
Armenian Church	20,000
Christian Religion of the Old Rite	32,000
Baptist Christian Church	110,000
Pentecostal Cult - God's Apostolic Church	220,000
Seventh Day Adventist Church	76,658
Christian Cult after the Evangel - Romanian Evangelical Church	50,000
Romanian Evangelical Church	not given
Jewish Faith	9,102
Muslim Faith (Sunni)	56,000
Ukrainian Orthodox Vicariate	42,000
Serbian Orthodox Vicariate	not given

**[5(m)]**



5.58 In August 2000, the Government passed an ordinance on military clergy, according to which all recognised religious denominations are entitled to have military clergy, trained to render religious service to conscripts. **[4(c)]**

5.59 The legislation on Religious Denominations includes the Constitution and Governmental Decisions. A new law is in preparation. **[5(m)]**

#### **J. Ethnic Minority Groups (General):**

5.60 According to preliminary data from the 1992 census, the ethnic structure of Romania's population is as follows: 89.3 per cent Romanians and 10.7 per cent persons belonging to various national minorities (Hungarians, 7.1 per cent; Roma, 1.8 per cent; Germans, 0.5 per cent; Ukrainians, 0.3 per cent; Russo-Lipovans, 0.2 per cent; Turks and Tatars, 0.2 per cent, etc). **[11(a)]**

5.61 The European Commission stated in November 1998 that the protection of minorities in Romania remains satisfactory, with the major exception of the Roma. **[20]**  
(Please see also Section V.L on Roma)

5.62 Romania's Constitution, adopted in November 1991, stipulates that Romania is "a social and democratic state of law in which human dignity, the rights and liberties of citizens, the free development of the human personality, justice and political pluralism represent supreme values and are guaranteed". The Constitution further 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 UN 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 makes it clear that international treaties take precedence over domestic laws if necessary. **[22(a)]**

5.63 In order to ensure the broadest possible framework for participation by such persons in public life, and, in particular, in the formulation of measures to deal with their own specific problems, Government Decision No. 137/1993 established the Council of National Minorities, a consultative body of the Romanian Government bringing together representatives of organisations of citizens belonging to minorities and a number of State bodies (the Ministries of Foreign Affairs, Justice, Finance, Labour and Social Protection, Public Works and Planning, and Youth and Sport, the State Secretariat for Religious Denominations, and the Government Department for Local Public Administration). The Council's powers cover prescriptive, administrative and financial aspects of the rights of persons belonging to national minorities to retain, develop and express their ethnic, cultural, linguistic and religious identity, as provided for in the Romanian Constitution and current legislation, and in the international treaties and conventions to which Romania is a party. **[11(a)]**

5.64 The Council co-ordinates and supports the activity of the organisations of citizens belonging to national minorities; establishes and maintains contacts with representatives of the Department of National Minorities; receives, examines and submits to the approval of the Department, law projects and Government Decisions related to the rights and obligations of

persons belonging to national minorities and establishes and maintains contacts with representatives of organisations of citizens belonging to national minorities. **[26(c)]**

5.65 Romania experienced frequent occurrences of ethnic unrest after the fall of Ceaușescu and in 1991 there were organised attacks on the Roma population resulting in the emigration of many of them to Germany. Also in the early nineties, popular nationalist feeling led to the formation of radical nationalist organisations like Vatra Romaneasca ("Romanian Hearth"). **[1] [5(a)]**

5.66 The Constitution and electoral legislation grant each recognised ethnic minority one representative in Parliament's Chamber of Deputies, provided that the minority's political organisation obtains at least 5% of the average number of valid votes needed to elect a deputy outright (only some 1,784 votes in the 1996 elections). Organisations representing 15 minority groups elected deputies under this provision in 1996. In addition, the ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are under-represented in Parliament because of a low Roma voter turnout and internal divisions which worked against the consolidation of votes for one candidate, organisation, or party. They have not increased their parliamentary representation beyond the one seat provided them through the Constitution and electoral process. **[4(a)]**

5.67 The Parliamentary Group of National Minorities consists of one representative from each the following minority parties as of August 2000:

Armenians Union of Romania	(UAR)	Leader of Group
Union of Poles in Romania "Dom Polski"	(UPR)	Vice-Leaders
Italian Community in Romania –Socola, Iasi	(CIRI)	
Jew's Communities Federation in Romania	(FCER)	Members
Community of Lipovan Russians in Romania	(CRLR)	
Hellenic Union of Romania	(UER)	
Democratic Union of Serbs and Croats in Romania	(UDSCR)	
Cultural Union of Albanians in Romania	(UCAR)	
Union of Ukrainians in Romania	(UUR)	
Turkish Democratic Union of Romania	(UDTR)	
Democratic Union of Slovaks and Czechs in Romania	(UDSCR)	
Community of Bulgarians "Bratsovo" in Romania	(CBBR)	
Democratic Union of Turkish-Muslim Tartars in Romania	(UDTTMR)	
Rroma Party (Partida Romilor)	(PR)	
Democratic Forum of Germans in Romania	(FDGR)	

**[26(b)]**

5.68 The Romanian Government modified some of the Law No 68/1992 regulations referring to the election of the members of the Senate and the Chamber of Deputies. A new paragraph (6) has been inserted into the 4<sup>th</sup> Article of the Law 68/1992, which stipulates that organisations of citizens belonging to national minorities participating in the elections may file the same candidate's list to several electoral districts. **[32(a)]**

5.69 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. Conditions conducive to closer international relations have also been created.

- (a) Theatres: eleven Hungarian-language State theatres and departments, three German-language State theatres, one Yiddish theatre;
- (b) 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;
- (c) Radio and television: daily broadcasts in Hungarian and German and weekly broadcasts in other languages on national radio, as well as weekly broadcasts from local stations; twice-weekly broadcasts in Hungarian and German and broadcasts for other national minorities (the programme entitled Convietuiri) on the national television channels, and broadcasts from local television studios. **[11(a)]**

5.70 An Inter-Ministerial Committee for National Minorities was set up by a government decision in August 1998, while the sub-committee responsible for the elaboration of a strategy for the integration of the Roma met for the first time in September 1998. **[20]**

5.71 The Ministry of Education has granted the Roma minority privileged treatment in approving the assignment of subsidised places for Romanies who wish to study at ten named universities around the country for the academic year 2000-2001. This is in addition to the places reserved for Roma in admission to teacher training and education in the field of social administration since 1998. **[6(o)] [20]**

5.72 The representatives of publications belonging to the 16 national minorities living in Romania other than the Hungarians said, at a seminar held in July 1999, that they were satisfied with the rights enjoyed by the national minorities in Romania. **[6(n)]**  
(Please see also Section IV.J on Education; Section V.A on Actual Practice with regard to Human Rights; and Section V.F on Freedom of Religion)

## **K. Hungarians:**

5.73 Ethnic Hungarians constitute the largest and most vocal minority, and their UDMR party holds 36 seats in the Parliament. According to the last census (1992), ethnic Hungarians numbered 1.6 million or 7.1% of the population, although most experts believe the actual number is closer to two million. **[4(b)] [5(l)]**

5.74 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, which was welcomed and encouraged by the international community. The text of the treaty reflected a compromise in the area of minority rights. Both countries pledged to treat their minorities fairly, according to European standards. **[22(a)]**

5.75 By 1998, many of the issues addressed in the Romanian-Hungarian treaty of 1996 were implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. **[4(b)]**

5.76 A government decree on Hungarian-language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania. **[4(b)]**

5.77 A new law, put to the Senate in June 1999, allows for the creation of Hungarian language faculties within universities operating in Romania and has the support of the UDMR. The UDMR and the government reached a compromise: a multicultural university with instruction in Romanian, Hungarian, and German would be established, and the UDMR would remain in the government. **[6(r)]**

(Please see also Section IV.J on Education; and Section V.A on Actual Practice with regard to Human Rights)

### **K. Roma (Gypsies):**

5.78 In September 1995, the UNHCR advised that "On balance for a Roma asylum seeker to be recognised, he/she would need to provide particularly strong and credible elements" **[7(b)]**

5.79 The latest census in Romania in 1992 puts the number of Roma at 409,723 or 1.85% of the total population. These are persons who have declared that they are members of the Roma ethnic group, since several sources, including the Roma community associations, put the total number of Roma at 2 or even 2.5 million, i.e. more than 10 per cent of the total population. For various reasons many Roma do not hold ID cards. **[5(t)] [11(c)]**

5.80 Under Communism, all national minorities were guaranteed complete equality but in practice were treated with hostility. Many communities were destroyed as Roma were forced into urban tenements or collective farms. Roma were frequently the victims of police violence. **[9]**

5.81 Following the fall of Ceaușescu, the new freedom of speech rekindled long-standing contempt for Roma, who became the national scapegoat for Romania's immense problems. **[9]**

5.82 Whilst the UN Economic and Social Council February 2000 report on racial discrimination in Romania acknowledged that some forms of racial discrimination still existed, it pointed out that this "should not detract from the numerous measures the Government has already taken to deal with the problem of discrimination against the Roma at its source, in other words, their socio-economic marginalization." **[11(c)]**

5.83 Following criticism from human rights organisations over the failure to protect Roma from anti-community violence between 1990 and 1994, the Ministry of the Interior of Romania, in co-ordination with law enforcement officials from the United States, developed a "Mob Violence Prevention Programme" within the Romanian General Inspectorate of the Police. According to the Ombudsman's Office there were 47 reported incidents of mob violence targeted against Roma between January 1990 and January 1998. As a result of these, 12 Roma died and about 1000 were affected because their houses were set on fire by angry villagers. The Romanian Government and the German State contributed with financial funds to the rebuilding of destroyed Roma homes. **[5(t)] [25(a)]**

5.84 APADO, the Lawyers' Association for the Defence of Human Rights, is currently running a programme of juridical assistance for Roma. In July 1998 a court in Mureș sentenced 11 persons who in 1993 burned 13 Romani houses, resulting in the deaths of 3 Roma, to 3 to 7 years imprisonment. **[4(a)] [5(t)]**

5.85 The UN notes that representatives of Roma associations recognise that the police have made efforts to put an end to collective violence and to police attacks on Roma communities between 1990 and 1996, even though the perpetrators have not been brought to justice. Moreover, 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 in 1999 developed a programme to improve relations between Roma and police and to enhance the capacity of the police to respond effectively in situations of tensions between Roma and non-Romani communities. 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. The police are in the process of reforming the behaviour of officers who used to ill-treat and torture detainees of Roma origin and tended to stigmatise Roma in their fight against crime. **[10] [11(c)]**

5.86 The Roma community's rights are represented by political parties. The Democratic Union of Romanian Roma was founded in 1990. Numerous Roma political organisations have been created, many reflecting tribal or occupational interests. The Rroma Party (Partida Romilor) is an association which participated in the 1996 elections, in competition with other Roma organisations. It was able to gather enough votes to benefit from the affirmative action of the Electoral Law, and has one representative in Parliament. It is not the only representative of Roma origin in the Romanian Parliament. There are many more who were elected not on an ethnic ticket but as members of a non-ethnic political party. **[9] [11(c)]**

5.87 In May 1995 Romanian Roma were reclassified as "Tsigani" or "Rroma" officially in order to avoid confusion with ethnic Romanians. For Roma to call themselves "Roma" is now forbidden. **[9]**

5.88 In April 1998 the Ministry of Education announced a series of initiatives designed to improve Roma education. New programmes will provide caravan classrooms to follow the migrant Romani population and will open additional classrooms at the request of Roma in several high schools throughout the country. Romanian gypsies also have eight schools in their Roma language. In March 1999 the Ministry of Education adopted a decision to appoint a Roma Inspector in each of Romania's 41 counties. The OSCE noted in April 2000 that while it remains to be seen how this policy will be implemented, the basic approach of involving Roma at the level of governance is salutary. **[4(a)] [10]**

5.89 The European Commission concluded in November 1998 that prejudice against the Roma remains widespread and needs to be addressed comprehensively. **[20]**

5.90 The US State Department report for 1999 states that no cases of ethnically-motivated violence were reported but Romani groups complain of routine police brutality, prejudice and racial harassment at local level. The Romani population continues to be subject to societal discrimination. **[4(b)]**

5.91 The European Roma Rights Centre expressed concern in March 2000, about a recent incident of alleged police violence against several Roma, including women and children who were allegedly beaten. Teargas was allegedly used in the streets to disperse a group of children and the police used racist epithets. In July 1999 the ERRC submitted a list to the UN Human Rights Committees review of Romania's compliance with the International Covenant on Civil and Political Rights. The list cited 19 cases of police abuse of Roma that had been reported in

the period 1996 – 1998. None of the cases had resulted in prosecution of the police officers involved. **[25(b)]**

5.92 The OSCE High Commissioner on National Minorities, Max van der Stoel, reported in April 2000 that an unequal and discriminatory sociology is practised by health care institutions and medical staff at all levels. In September 1999 Roma without either means to pay for health services directly or proof of state medical insurance had been banned from the Iasi County Hospital. State health services are provided for all citizens who are employed or those who are officially registered with the State as unemployed. Many Roma in the area are not registered and therefore in the eyes of the local authorities were not eligible for state health care. **[10]**  
(Please see also Section IV.J on Education; and Section V.A on Actual Practice with regard to Human Rights)

#### **M. Ukrainians:**

5.93 On 2 June 1997, the Romanian President Emil Constantinescu, told a press conference that he would personally guarantee the rights of the Ukrainian minority in Romania. At the conference, Constantinescu and the Ukrainian President, Leonid Kuchma, signed a treaty on good-neighbourly relations and co-operation. Both Presidents stated that they considered the treaty in the context of a joint development of a European security structure. According to Kuchma, the treaty stipulates that neither side can enter agreements with a third party against the interest of either Ukraine or Romania. **[6(d)]**

5.94 On 15 September 1997, President Constantinescu reopened a high school for members of northern Romania's 300,000 strong Ukrainian minority nearly 30 years after it was shut by Communist authorities. The reopening of the school underscored recognition of minority rights three months after the signature of the above-mentioned treaty. About 400,000 ethnic Romanians live in Ukraine where nearly 100 schools are in operation in northern Bukovina and southern Bessarabia - regions held by Romania during World War II. **[6(e)]**

#### **N. Arabs:**

5.95 A large number of Arabs have settled in Timișoara. A school has been built in the city for their children. They would, however, like to be given ethnic minority status and to be allowed to delegate a representative in Romanian parliament. They discussed this matter with the government commissioner's office, the police and the army on 5 August 1997. **[6(c)]**

#### **O. Germans:**

5.96 Ethnic Germans, now number no more than 80,000 (from 800,000 before World War II). They have education in their own language from kindergarten to university in Romania. **[6(e)]**

(Please see also Section IV. J on Education)

#### **Q. Ceangai:**

5.97 Ceangai (Csangos) are a branch of ethnic Hungarians who settled in the area of the Trotus, Bistrita and Siret Valleys of North Eastern Romania in the 15 century. Their identity is based on the Roman Catholic religion and the archaic Hungarian language spoken in the

family. A Council of Europe motion of April 2000 notes that out of 200,000 Ceangais, only 60,000 to 70,000 speak the Hungarian dialect. In the area where members of this group live, the language of the school and the Church is exclusively Romanian. Consequently, almost all Ceangai are illiterate as regards their mother tongue. [5(s)] [29]

## **VI. OTHER ISSUES**

### **A. Freedom of Speech and the Press:**

6.1 Although the Constitution, and the 1992 Law on Broadcast Media, provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country" and "offence to authority." [4(b)]

6.2 In spring 1998, an attempt by Parliament to amend the Penal Code and remove jail terms from among penalties for libel failed because of disputes over an unrelated matter. Consequently, Articles 205 and 206, concerning libel, and Articles 237 and 238, concerning offence to authority and defamation of the character, are still in force. In September 1999 the European Court of Human Rights found the decisions of the Romanian court violated Article 10 of the Human Rights Convention concerning freedom of speech. [4(b)]

6.3 The Committee to Protect Journalists reported that there were a couple of violent attacks against Romanian journalists investigating cases of corruption among government officials in 1999. On September 23, Marian Tudor, a journalist with Journalul de Constanta, was assaulted and thrown from a moving train while he was delivering manuscripts, documenting an illicit local business deal, to Bucharest from printing. Four days later, Lorena Boros and Dorina Tartaran of the Gazeta de Nord-Vest were attacked at a construction site where they were investigating accusation of a rigged auction to win the contract. When they called for assistance, the police responded by detaining them. Elements of the Romanian press seem able to make allegations of a serious nature against public figures with impunity, without producing any evidence. [3(d)] [6(t)] [12]

6.4 On 23 July 1998, a court in Iași sentenced Ovidu Scultelnicu and Dragos Stangu to one year of imprisonment, a fine of 1.5 billion lei (US \$175,000), and deprivation of some civil rights, as well as the right to practice journalism for twelve months. They had criticised police colonel Peru Susanu's policing methods and questioned the origin of his personal fortune. The case prompted criticism due to the fact that the plaintiff's wife, daughter, and son-in-law were employees of the court that indicted the journalists. The Supreme Court refused to move the trial to another jurisdiction. The case is under appeal. [3(a)] [4(a)]

6.5 The independent media continued to grow in 1999 in an increasing competitive market. Several hundred daily and weekly newspapers are published in Romania and several private television stations broadcast nation-wide, with the largest reaching approximately 20% of the rural and 80% of the urban market. While Romanian State Television (RTV) and Radio Romania remained the only national broadcasters capable of reaching the bulk of the rural population, independent stations continued to enlarge their coverage throughout the country by over-the-air transmission, cable, and satellite. The 1994 law establishing a parliamentary-appointed board of directors for RTV was implemented in June 1998. [4(b)]

### **B. Freedom of Assembly and Association:**

6.6 The Constitution also provides for freedom of assembly, which the Government respected in practice in 1999. 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. The principal condition is that any public assembly must be conducted in a peaceful manner, and without any kind of weapon. **[4(b)] [11(a)]**

6.7 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 a written notification has been deposited with the local administration, three days prior to the event, specifying the name of the organising group, the purpose, date, place, starting time and duration of the event, the arrangements for access and dispersal, the estimated number of participants, the persons entrusted with the task of organising the event and taking 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. **[11(a)]**

6.8 Meetings must not be held at the same time as a scheduled public gathering and may not be held near locations such as hospitals, airports, or military installations. The law forbids participants to espouse racist, fascist or Communist ideologies or commit actions contrary to public order or national security. The authorities may forbid a public gathering by notifying the organisers in writing within 48 hours of receipt of the request. Unauthorised demonstrations or other violations are punished by imprisonment and fines. **[4(b)]**

6.9 The Constitution provides for the freedom of association and the government respected this right in practice in 1999. Romanians can form associations, including political parties. A new law on political parties was promulgated on 25 April 1996. The law stipulates that parties must have at least 10,000 members throughout at least 15 counties, with no less than 300 members in each county. Associations may be granted legal status with only 20 founding members and over 2000 supporting members. **[4(b)] [22(b)]**

6.10 Monarchist groups, however, are effectively prohibited from registering as political parties, as according to the new 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. **[22(b)]**

### **C. Workers' Rights:**

6.11 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. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nation-wide trade union confederations and smaller independent trade unions. The 1991 legislation stipulates that labour unions should be free from government or political party control and the government has honoured this in practice. Unions are free to engage in political activity and have done so. **[4(b)]**



6.12 Trade unions play an active role in negotiating collective labour agreements in Romania, in accordance with the statutory provisions on the matter (Act No. 13/1991, the Collective Labour Agreements Act); as well as in resolving collective labour disputes (pursuant to Act No. 15/1991). **[11(a)]**

6.13 Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for given economic sectors and categories of workers which the government sets after negotiations with industry representatives and the labour confederations. Minimum wage rates are generally observed and enforced. In 1999 the minimum monthly wage of \$60 (1.1 million lei) did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products are still subject to price ceilings. Housing is no longer subsidised. **[4(b)]**

6.14 The Labour Code provides for a standard work-week 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 working week, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending mainly 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. **[4(b)]**

6.15 Some labour organisations pressed for healthier, safer working conditions on behalf of their members in 1999. However, neither the Government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The MOLSP has established safety standards for most industries and is responsible for enforcing them. It lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe and healthy work environment. **[4(b)]**

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

#### **D. Freedom of Movement within the Country and Foreign Travel:**

6.17 The Romanian Government places no restrictions on travel within Romania, except in the case of certain small areas used for military purposes. Citizens who wish to change their places of work or residence do not face any official barriers. **[4(b)]**

6.18 The right of persons lawfully within the territory of Romania to liberty of movement and freedom to choose their residence is guaranteed by article 25 of the 1991 Constitution. By virtue of the constitutional right to liberty of movement and of the right freely to establish one's domicile or residence in any locality in Romania, the tenant retains his right to the home throughout the entire period of the tenancy agreement. **[11(a)]**

6.19 The measures taken after 1989 to guarantee Romanian citizens effective enjoyment of the right to liberty of movement led to a constant and very considerable flow of citizens travelling abroad as tourists, on business, or even to establish their domicile there. As regards the right of persons to enter their own country, it should be noted that between the democratic

transformations of 1989 and the end of 1995, 14,356 persons regained their Romanian citizenship. At the same time, 21,167 Romanian citizens who had left the country returned to it. **[11(a)]**

6.20 All Romanian citizens are required to register with the police. In the event of a change of address the police issue either: -

- i) a permanent permit (for those having bought property, wish to record a permanent change of address); or
- ii) a temporary permit (valid, according to circumstances, for a maximum of 12 months) which has to be renewed by the holder when it expires. **[5(h)]**

6.21 The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice, Romanian citizens freely exercise these rights. **[4(b)]**

### **E. Military Service:**

6.22 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]**

6.23 Law 46 of 5 June 1996 on "Preparing the Population for Defence" in relation to alternative military service stipulates that citizens who refuse to do military service under arms because of their religious beliefs shall perform the alternative utility service according to the present law. The means of performing alternative military service shall be set by government decision (article 4). The duration of alternative utility service is 24 months. On request, the citizens who do alternative utility service could do the compulsory military service at their first call-up (article 13). **[5(e)]**

6.24 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. **[5(j)]**

6.25 Those not covered by Law 46 who refuse to undertake military service are liable to fines of between 500,000 and 3 million lei. **[5(j)]**

6.26 Military service can also be deferred for compassionate family reasons, and the length of time served can be shorter for conscripts who are university graduates. However, certain provisions of Law 46/1996 and of Governmental Decision No. 618 of 6 October 1997 regarding military service, are at variance with internationally recognised principles on

conscientious objection to military service. This law provides for an alternative military service only for those individuals who, on religious grounds, refuse to perform armed military service. **[5(j)] [8(c)]**

6.27 Under the decree, 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. **[5(c)] [6(b)]**

6.28 Article 332 of the Penal Code (Desertion) states that unjustified absence (of any kind of military: conscripts or regular staff) from the military unit or office, lasting for more than 3 days, is punished with prison from 1 to 7 years. The penal action cannot be stated unless the commander of that specific military unit has this initiative. However, penalties depend on the circumstances and according to the Penal Code, there are various kinds of circumstances (alleviating or aggravating etc). In the case of desertion, if the absence is strongly motivated by objective reasons, this can be used to defend the accused. **[5(r)]**

6.29 There are no penalties that could be applied to military staff that joined a religious cult which is not legally recognised. The only disadvantage of belonging to a religious organization (i.e. not legally recognised) is that they will not be able to practice their religious beliefs inside their military unit; they will not be able to get any religious assistance and they will not get any free days on the occasion of their religious celebration days. **[5(u)]**

6.30 The organization 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 recognized by the state. The Law regarding the military clergy and the religious assistance in the Armed Forces is still waiting to be completed and adopted by the Parliament as of June 2000. **[5(r)]**  
(Please see also Section IV. F. Judiciary)

6.31 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. However, defence laws are currently under review. **[5(r)]**

6.32 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, are sentenced to prison from 1 to 5 years. However, the order has to be legal. The accused is absolved if he refused to carry out an illegal order. **[5(r)]**

6.33 Reform of the Romanian army is now underway with a view to organising it in accordance with NATO standards. Following the reform, the army will number 150,000. As many as 2,000 military, 780 military working on the basis of contract and 1,150 civilians will be made redundant and benefit from social security measures as stipulated by the government

in Ordinance 1/1998. At 1 August 1999 the active forces totalled 207,000. Expenditure on defence by the state budget in 1999 amounted to 9.0% of the total expenditure. [1] [24(e)]

**i) The Gendarmerie:**

6.34 The Gendarmerie are 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. Their activities are governed by Law 40/1990, although they expect to be restructured as a rural police force in the (unspecified) future. 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. They co-operate with the police, border guards, fire services, other military units and the SRI. In wartime, they have a military role to play as a kind of militia. [5(d)]

6.35 As a military unit, Gendarmes are either conscripts 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. [5(d)]

**F. Organised Crime/Corruption:**

6.36 In early January 1997 a National Council for Action against Corruption and Organised Crime, was established; a number of leading bankers were subsequently arrested, principally on charges of fraud, and several senior members of the security forces were dismissed. [2]

6.37 In August 1999 Romania ratified the European Convention on the Transfer of Proceedings in Criminal Matters and the additional protocol to the Convention on the Transfer of Sentenced Persons. [4(b)]

6.38 Trafficking in women appears to be an under-reported but persistent problem. The law is outdated and does not address trafficking directly. Neither the Government nor NGO's maintain statistics on this issue but NGO's that work with women's issues agree that several thousand women are trafficked to other countries each year. Several domestic prostitution rings are active. [4(b)]

6.39 It has been reported that, under a bill endorsed on 11 February 1999 (following recommendations by the European Commission), a national centre for the study of organised crime and corruption (CNSCOC) will be set up. The centre will be a specialised institution of the central public administration, subordinate to the government, and its object of activity is to study organised crime and corruption and to conceive and articulate adequate strategies to prevent and fight these phenomena. A consultative council made up of representatives of the ministries of justice, interior and defence, the Romanian Intelligence Service (SRI) and the Foreign Intelligence Service (SIE), of the Government's Control Department, of the National Agency for the Control of Strategic Exports and Ban on Chemical Weapons, of the Competition Office, and of the Consumers Protection Office will work under CNSCOC. [20] [24(k)]

6.40 A law on money laundering was promulgated on 22 February 1999. The law defines money laundering as exchange or transfer of valuables resulting from crimes and is punishable

with 3 to 12 years' imprisonment. Associating with, initiating, joining or supporting money launders is punishable by 5 to 15 years' imprisonment. **[28]**

6.41 In October 1999 the European Commission declared that corruption is still a widespread problem and that the role of the anti-corruption unit in the government's control department remains unclear. The institutional set-up is still fragmented and institutional responsibilities and functions should be consolidated and better co-ordinated. **[20]**

6.42 Figures released by the Ministry of Justice and the Public Ministry in February 2000 reported a 17 per cent decrease in numbers of people convicted in 1999 compared with 1998. The greatest number of crimes were those committed against people (e.g. as a result of degenerated family ties, old conflicts and excessive alcohol consumption.) 168 people were convicted of corruption, including 57 for bribe-taking and 147 for the traffic of influence. **[6(n)]**

(Please also see Section III. A on Recent Political History)

## **ANNEX A**

### **CHRONOLOGY OF KEY EVENTS:**

#### **1881**

Formerly part of Turkey's Ottoman Empire, Romania became an independent kingdom.

#### **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.

#### **1945**

March: Under Soviet pressure King Michael accepted the appointment of a communist-led coalition.

#### **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 was begun.

#### **1952**

Following a purge of the Romanian Workers' Party (RWP) a new constitution was adopted, closer to the Soviet model.

#### **1965**

Nicolae Ceaușescu became First Secretary of the RWP.

June: RWP changed its name back to the Romanian Communist Party (RCP).

#### **1984**

October: The long running production difficulties of the country's energy sector culminated in an unprecedented crisis and a declaration of a state of emergency in the electricity power industry.

#### **1987**

Shortages of fuel and power led to strict energy rationing. The situation was exacerbated by adverse weather conditions. Public discontent became evident.

**November:** Thousands of people marched through the city of Brașov and stormed the local RCP headquarters protesting against the decline in living standards and working conditions.

#### **1988-89**

Romania became increasingly isolated from the international community, largely owing to the rural urbanisation programme and continuing abuses of human rights.

## 1989

**December 1989:** There was unrest in Timișoara as supporters of a protestant ethnic Hungarian clergyman marched through the town to demonstrate their opposition to his eviction from his church. Security forces opened fire on the crowd, reportedly killing several hundred people.

**21 December 1989:** President Ceaușescu attended a mass rally in Bucharest, intended to demonstrate his popular support. Clashes between anti-Government demonstrations and members of the Securitate, resulted in the killing of many civilians. The disturbances quickly spread to other parts of the country, and on the following day Ceaușescu declared a state of emergency; however, soldiers of the regular army declared their support for the protestors.

**25 December 1989:** After a summary trial, Ceaușescu and his wife were executed by firing squad. Fighting continued in Bucharest, and elsewhere for several days, mainly between Securitate forces and regular soldiers

## 1990

**January 1990:** The army restored order and the Securitate was abolished. Special military tribunals were established to try Ceaușescu's former associates. Civil unrest in the form of anti-Communist and anti-government demonstrations accompanied the run up to the presidential elections.

**March 1990:** ethnic Hungarians, demonstrating to increase their cultural and linguistic autonomy, were attacked by Romanian nationalists in Târgu Mureș. Tanks and troops were deployed to quell the unrest, in which several people were killed, and a state of emergency was declared in the town.

**May 1990:** The NSF won a decisive victory in the first free parliamentary elections since 1937 and Ion Iliescu was elected President with over 85% of the vote.

**June 1990:** Unrest continued after the elections, and in mid-June 1990, after seven weeks of occupation, a protest in University Square was forcibly broken up by the police. 7,000 miners and other workers from the Jiu Valley were transported 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 1000 people were detained.

**August 1990:** Anti-government demonstrations occurred over the deteriorating economic situation in Bucharest and Brașov. In the following months there was widespread strike action.

**October 1990:** Prime Minister Petre Roman announced extensive economic reforms including privatisation's and the removal of price controls.

**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:** Miners from the Jiu Valley, now opposed to President Iliescu began a strike. Thousands travelled to Bucharest where violent clashes with security forces ensued. Four people were killed and hundreds injured. The Prime Minister, Petre Roman, and the Council of Ministers were forced to resign. Roman was replaced by Theodor Stolojan.

**November 1991:** A new Constitution was approved by the legislature in November 1991 and this was endorsed by 77% of voters in a referendum in December.

## **1992**

**mid-1992:** Ethnic tension was caused in Cluj-Napoca when the Mayor ordered the removal of Hungarian language street signs and in Covasna and Harghita when ethnic Hungarian prefects were replaced with ethnic Romanians.

**27 September 1992:** Legislative and presidential elections took place. DNSF, loyal to Iliescu, a moderate left wing party in favour of limited reforms became the largest party in the new parliament. Controversy occurred when the ethnic Hungarian State Secretary was removed from Government.

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:** The second Ballot of the presidential elections was won by Ion Iliescu with 61% of the vote.

**November 1992:** Nicolae Vacaroiu became Prime Minister.

## **1993**

**February 1993:** Thousands of people protested in Bucharest against rising prices, low wages and unemployment.

**May 1993:** Price subsidies for many basic commodities and services were abolished precipitating renewed labour unrest.

**June 1993:** The Government was accused of involvement in an allegedly corrupt shipping deal.

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

**July 1993:** Three senior government officials implicated in another corruption scandal.



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

**November 1993:** A protest march in Bucharest, demanding rapid economic reforms, was the largest public demonstration in the country since the overthrow of Ceausescu.

## 1994

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

**July 1994:** Ethnic Hungarian tensions in Cluj-Napoca.

## 1995

**April 1995:** Mass demonstration held in Bucharest to protest at new legislation linking public-sector wage rises to improvements in productivity and other indices of economic efficiency.

**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.

**July 1995:** The European Parliament criticised the widespread discrimination against Roma communities and individuals in Romania. There were sustained protests by ethnic Hungarians in Romania against the promulgation of an education bill that specified Romanian as a sole language of tuition and examination in all universities and colleges.

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

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

## 1996

**July 1996:** An international convention of Jehovah's Witnesses, due to be staged in Bucharest, was called off after an attack by the head of Romania's Orthodox Church.

**September 1996:** The Senate passed the report of mediation, modifying and completing the Penal Code and the Penal Procedures Code. This included the decriminalisation of homosexuality between consenting adults and the removal of the ban of the use of foreign flags.

**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 was nominated as Prime Minister and formed a coalition government between

DCR, SDU and the Hungarian Democratic Union of Romania (HDUR). Constantinescu was elected President after second round on 17 November.

## **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.

**June 1997:** Trade unions organised marches throughout the country to protest against rising prices and the Government's socio-economic policies. A strike in the Jiu Valley by miners demanding higher pay rises prompted fears that they would march on Bucharest. Industrial action was discontinued when the Government agreed to increase its pay offer.

**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.

**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 designated Prime Minister, with the approval of all the coalition parties.

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

## **1999**

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

**February 1999:** 2000 miners marched to Bucharest after Cozma was sentenced in absentia on 15 February 1999. Cozma was arrested on 17 February prompting violent clashes with riot police in Stoenesti.

**March 1999:** Cozma was given a concurrent 22-month jail sentence on charges linked to a bar room brawl and the beating of a journalist.

**April 1999:** Main party in centrist coalition government, the Christian Democrats, split into two factions.

**April 1999:** Romania joined NATO's Membership Action Plan, which will help Romania focus their preparations on meeting the criteria for full NATO membership.

**June 1999:** The release by a group of Romanian and ethnic Hungarian intellectuals of a statement calling for autonomy and self-government for Transylvania and the Banat region was immediately rejected by President Constantinescu and the government.

**December 1999:** The President dismissed Radu Vasile as Prime Minister, and appointed the Mugur Isarescu (the governor of the central bank) 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.

**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 20,000lei in aid to alleviate the crisis.

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

**July 2000:** President Constantinescu announced that he would not stand as a candidate for a second term.

**16 August 2000:** Prime Minister Isarescu announced that he would stand as an independent in the 26 November 2000 presidential elections.

## ANNEX B

### MAIN POLITICAL PARTIES

Following the downfall of President Ceausescu in 1989, numerous political parties were formed or re-established in preparation for the holding of free elections. By the time of the November 1996 general election there were some 90 registered political parties. The financing of political parties from abroad is not permitted.

**Alliance for Romania - AFR.** Founded 1997 by breakaway faction of the PDSR. Centre-left. Leader Teodor Melescanu.

**Christian Democratic National Alliance - CDNA.** Founded 1999 by former members of Christian Democratic National Peasants' Party of Romania. President Victor Ciorbea.

**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 Ion Diaconescu. Sec. Gen. Constantin Dudu Ionescu.

**Civic Alliance (Alianța Civică):** Bucharest; f.1990 as alliance of opposition groupings outside legislature; voted in July 1991 to create a parallel political party, the Party of the Civic Alliance. Chair. Ana Blandiana.

**Democratic Alliance Party.** Sibiu. Founded 1995. Supports the rights of gypsies in Romania. Leader Cioabă.

**Democratic Convention of Romania (DCR).** Founded 1992; alliance of 15 centre-right parties and other organisations. President. Ion Diaconescu.

**Greater Romania Party - GRP (Partidul România Mare- PRM).** Nationalist. Chair. Corneliu Vadim Tudor. Sec. Gen. Gheorghe Funar.

**Hungarian Democratic Union of Romania (Uniunea Democrată Maghiară din România - UDMR).** Founded 1990; supports the rights of Hungarians in Romania. Hon. Pres. László Tókes. Pres. Béla Markó. Exec. Pres. Csaba Takács.

**Liberal Monarchist Party of Romania (Partidul Liberal Monarhist din România).** Founded 1990; advocates the restoration of the monarchy; Pres. Dan Cernovodeanu.

**Liberal Union 'Bratianu' (Uniunea Liberală 'Bratianu').** Founded 1990 following split in National Liberal Party; Pres. Ion I. Bratianu.

**National Liberal Alliance.** Founded 1996; alliance of the Party of the Civic Alliance and the Liberal Party 1993; Leader Nicolae Manolescu.

**National Liberal Party - NLP (Partidul Național Liberal).** Founded 1869, banned 1947; merged with Socialist Liberal Party in 1990, and with Party of the Civic Alliance and Liberal Party of Romania in 1998. 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; Pres. Mircea Ionescu-Quintus.

**National Romanian Party - PNR.** Founded 1998 as the result of a merger of the Agrarian Democratic Party and the New Romania Party. Chair Mihail Berca. Pres. Viorel Cataramă. Sec. Gen. Virgil Magureanu.

**National Union of the Centre.** Founded 1996; alliance of the Agrarian Democratic Party of Romania and the Romanian Humanistic Party; supports agrarian, ecological and humanitarian policies.

**Patriotic Party of Reconciliation - PPR.** Formed in 1998. Centre-right. Leader: Prince Paul of Romania.

**Party of Social Democracy of Romania - PDSR (Partidul Democrației Sociale din România).** Founded 1992 (as National Salvation Front - 22 December, later known as the Democratic National Salvation Front) by supporters of Ion Iliescu, following split in the National Salvation Front (f.1989); renamed as above in July 1993; social-democratic party; merged with the Democratic Co-operationist Party, the Republican Party and the Romanian Social Democratic Party in July 1993; merged with the Social Solidarity Party in 1995; Pres. Ion Iliescu; First Dep. Pres. Adrian Năstase; Secretary-General Miron Mitrea.

**Romania's Alternative Party (RAP).** Pres. Varujan Vosganian. Sec.Gen. Paul Ghitiu.

**Romanian Communist Party.** Formerly the Romanian Workers' Party; renamed as above in 1997. Leader Cristian Ion Niculae.

**Romanian Ecological Federation - REF (Federația Ecologistă din România).** Alliance includes the Romanian Ecological Movement; Leader Gugui Edward.

**Romanian Ecological Movement (Mișcarea Ecologistă din România).** Founded.1990; advocates protection of the environment and the pursuit of democratic, pacifist and humanist values; Chair. Toma George Maiorescu.

**Romanian Ecological Party (Partidul Ecologist Român).** Supports protection of the environment; Chair. Otto Weber.

**Romanian Humanist Party.** Formed in 1991. Pres. Dan Voiculescu.

**Romanian National Unity Party - RNUP (Partidul Unității Naționale Române).** Founded 1990; political wing of the nationalist Romanian movement, Vatra Românească; Pres. Valeriu Tabără.

**Romanian People's Party.** Founded 3 February 2000. Far right wing. Pres: Radu Vasile.

**Social Democratic Union (SDU).** Founded.1996; coalition of Democratic Party - National Salvation Front and Romanian Social Democratic Party; Chair. Sergiu Cunesu. Pres. Petre Roman:

- **Democratic Party (DP).** Founded 1993; fmrlly Democratic Party - National Salvation Front; centre-left; advocates a modern and social-democratic Romania, with a free market economy, and respect for the rights and freedoms of national minorities; Pres. Petre Roman Sec.-Gen. Vasile Blaga.
- **Romanian Social Democratic Party - RSDP (Partidul Social Democrat Român).** Pres. Sergiu Cunesu.

**Socialist Labour Party (SLP) (Partidul Socialist al Municipii - PSM).** Founded 1990 by Romanian Communist Party members and left-wing Democratic Labour Party. Chair. Ilie Verdeț.

**Socialist Party - SP (Partidul Socialist - PS).** Leader Tudor Mohora.

**Traditional Social Democratic Party of Romania (Partidul Social Democrat Tradițional din România).** Founded 1991 by merger of Traditional Social Democratic Party and National Democratic Party; supports the Party of Social Democracy of Romania; centre-left; Pres. Lucian Cernescu.

**Union of Right -Wing Forces (Uniunea Fortelor de Dreapta).** Formed in 1999 by a merger of Romania's alternative party and the Democratic Republican Party; Pres. Varujan Vosganian; Sec-Gen: Paul Ghitiu.

## ANNEX C

### PERSONALITIES:

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

**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.

**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 captured and imprisoned.

**Gheorghe FUNAR:** Outspoken Romanian nationalist and Mayor of Cluj.

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

**Ion ILIESCU:** Succeeded Nicolae Ceauşescu as President in 1990. Led Romania until deposed at elections in 1996.

**Constantin 'Dudu' IONESCU:** Interior Minister, appointed January 1999.

**Mugur ISARESCU:** Prime Minister from December 1999.

**King MIHAI (MICHAEL):** Acceded to the throne for the second time in 1940. Overthrew Antonescu regime in 1944 and sued for peace with Allies. Finally removed by communists in 1947. Current monarch-in-exile.

**Petre ROMAN:** Reform-minded Prime Minister under Iliescu's early presidency. Currently Chairman of the Senate and leader of the Democratic Party.

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

**Radu VASILE:** Prime Minister from April 1998 to December 1999.

## ANNEX D

### ROMANIAN GOVERNMENT (as of October 2000)

Position	Name	Party
Prime Minister	Mugur Isarescu	No Party
Deputy Prime Minister; Co-ordination of Economic Affairs	Mircea Ciumara	PNTCD
Deputy Prime Minister; Foreign Affairs.	Petre Roman	PD
Deputy Prime Minister; Justice	Valeriu Stoica	PNL
Deputy Prime Minister; Health	Gabor Hajdu	UDMR
Agriculture and Food	Ioan Avram Muresan	PNTCD
Culture	Ion Caramitru	PNTCD
Defence	Sorin Frunzaverde	PD
Education	Andrei Marga	PNT-CD
Finance	Decebal Traian Remes	PNL
Industry & Trade	Radu Mircea Berceanu	PD
Interior	Constantin Dudu Ionescu	PNTCD
Labour and Social Protection	Liviu Lucian Albu	
Civil Service	Vlad Rosca	PNTCD
Public Works and Land Planning	Nicolae Stefan Noica	PNTCD
Youth and Sports	George Crin Antonescu	PNL
Transport	Anca Daniela Boagiu	Independent
Waters, Forestry and Environment Protection	Romica Tomescu	PNTCD
National Minorities	Peter Eckstein-Kovacs	UDMR

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## PARTY AFFILIATIONS

PNTCD	Christian Democratic National Peasants Party
PNL	National Liberal Party
PD	Democratic Party
PDSR	Social Democratic Party
UDMR	Democratic Union of Hungarians

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